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ABSTRACT

This guide is intended to acquaint administrators and teachers with legal requirements for staff evaluation and recent changes in Oklahoma teacher dismissal law. A State Board of Education policy statement and a glossary of legal terms follow the statutory description and explication of the intent of Senate Bill No. 249 and Senate Bill No. 308. The statutory requirements for a written policy of staff evaluation are elaborated and guidelines for establishing evaluation systems are offered. Procedures designed to avoid teacher dismissal and steps to be followed in suspending teachers are outlined. Superintendents' procedures in teacher dismissal and nonreemployment cases are also given. Guidelines for hearings are detailed, including steps for establishing and providing for a hearing judge list, judge, and panel, and procedures and conduct for due process hearings of tenured teachers as well as hearings of probationary teachers. Appendixes include a calendar of events for teacher/administrator evaluation and due process procedures, suggested evaluation forms, sample letters of recommendation and notification, preliminary hearing forms, instructions and forms for computing the cost of hearings, and hearing instruments. (MJL)

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Oklahoma State Board of Education

Policies and Procedures for Teacher Due Process Hearings

Oklahoma State Board of Education
Leslie Fisher, State Superintendent

May 26, 1983

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Oklahoma State Board of Education

POLICIES AND PROCEDURES
for
TEACHER DUE PROCESS HEARINGS

(Implementation of Senate Bill No. 249 and As
Amended by Senate Bill No. 308)

Adopted - September 1977
Revised - March 1982
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Adopted by the

Oklahoma State Board of Education
Leslie Fisher, State Superintendent

May 26, 1983

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FOREWORD

This bulletin has been prepared to acquaint teachers, administrators and others who may have an interest in teacher evaluation or a need for information about: (1) the requirements for teacher evaluation; (2) changes made in the teacher dismissal laws by the First Session of the Thirty-Sixth Legislature in Senate Bill No. 249; and (3) amendments to S.B. No. 249 made by First Session of the Thirty-Eighth Legislature in Senate Bill No. 308.

The apparent intent of the Legislature in passing S.B. No. 249 and S.B. No. 308 was to encourage schools to use teacher evaluation as a means of improving teacher proficiency thus reducing the need for teacher dismissal by boards of education.

The entire resources of the State Department of Education, particularly the Planning, Guidance, Instructional, and Administrative personnel are available to assist in the implementation of the Act.

Section 4(c) (70 O.S. 1981, Sec. 6-103C) of the Act, somewhat unrelated to its central idea, provides that: (1) boards of education shall not be liable for the payment on any teacher's unexpired contract when school is closed because of certain building destruction and no other suitable building is available for continuation if school, and (2) teachers are entitled to pay for time lost when schools are closed because of epidemics, if such an epidemic is legally recognized by a health officer.

Leslie Fisher
State Superintendent

Oklahoma State Board of Education

POLICIES AND PROCEDURES
for
TEACHER DUE PROCESS HEARINGS

I. Purposes and Statutory Descriptions of the Act

Senate Bill No. 249 was signed into law by the First Session of the Thirty-Sixth Legislature in June of 1977. It further amends Title 70 O.S. 1971, Section 6-103, as was amended by Section 1, Chapter 184 O.S.L. 1975 (70 O.S. Supp. 1976, Section 6-103). Its codification is Title 70, Oklahoma Session Laws 1977, Sections 6-102.1 - 6-102.3 & 6-103.1 - 6-103.14. The Act was authored by Howell, Grantham, and Funston of the Senate and Draper, Craig, Cunningham, Wilson and Arnold of the House. In May of 1981 this Act was amended by Senate Bill No. 308 by the First Session of the Thirty-Eighth Legislature, authored by Howell of the Senate and Fried of the House, amending 70 O.S. Supp. 1980, Sections 6-102.1, 6-103.3, 6-103.4, 6-103.5, 6-103.11 and 6.103.15. Appendix A of this bulletin gives a calendar of events provided in the Act pertaining to teacher evaluation and due process hearings.

The major provisions of the Act include:

(a) a requirement of each board of education to establish a written policy of evaluation for all teachers, including administrators,

(b) an amendment to the state's teacher dismissal law,

(c) adoption of evaluation standards by the State Board of Education which may be used in measuring professional (teachers') performance,

(d) procedure for establishing a principal/teacher conference, when in light of evaluation documents, the principal believes the professional performance to be inadequate,

(e) provision for immediate suspension of a teacher by the superintendent when deemed in the best interest of the school children, however, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated at a trial. Provided, however, such extension shall not include any appeal process.

(f) provision for superintendents to recommend to the board the dismissal or nonreemployment of a teacher and subsequent action of the board on such matters,

(g) the right of a hearing on dismissal or nonreemployment of probationary or licensed teachers between the teacher and the school board, and

(h) establishment of a mechanism for the conduct of a hearing panel for use between local boards of education and tenured teachers, and rights to appeal.

Another apparent purpose of this law is to establish a legal mechanism which requires teacher evaluation by the local school district. Through the evaluation process the subsequent need for forced teacher removal, hopefully, will be minimal. If, however, removal becomes an issue, due process is guaranteed as is the right of an appeal for tenured teachers.

II. State Board of Education Policy Statement

The State Board of Education recognizes its regulatory and leadership role in the implementation of Senate Bills No. 249 and No. 308 and commits its cooperation accordingly. It believes that the most effective vehicle to promote professional growth is self-motivation. The teacher should be the prime recipient of the benefits of teacher evaluation thus identifying his/her own needs for improvement. Of course, the evaluation instrument can also serve as one objective measure by which administrators and boards of education can validly infer inadequate competencies of both teachers and administrators.

The State Board of Education believes that grievances between boards of education and teachers can best be settled in the locale and thus supports the principle of due process through hearing judges and panels in close proximity of the schools. It further supports the right of appeal in the exercise of human rights.

III. Definition of Terms

(a) "Act, the" means Senate Bill No. 249, as amended by Senate Bill No. 308.

(b) "Administrator" means any teacher who devotes a majority of his/her time to service as a superintendent, principal, supervisor, vice principal, or in any other administrative or supervisory capacity in the school district.

(c) "Dismissal" or "termination" means the discontinuance of a teacher's teaching service during the term of a written teaching contract.

(d) "Due process" means an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction which proceeds upon notice with an opportunity to be heard with full power to grant relief.

(e) "Geographic area" shall be deemed to mean the district attorney districts of the state of Oklahoma (See map, Appendix B, page 37).

(f) "Hearing judge" - The hearing judge is the individual selected by the board of education and teacher from the twenty-one names submitted by the State Superintendent of Public Instruction, representing at least three (3) geographic areas of the state, to preside at the hearing and serves as a member of the hearing panel.

(g) "Hearing judge list" is an established list of not less than two hundred (200) Oklahoma attorneys with trial experience provided by the Oklahoma Bar Association; however, no member of the Legislature is eligible to be included.

(h) "Hearing panel" consists of three (3) individuals, the hearing judge, a person designated by the local board of education, and a person designated by the tenured teacher. The two (2) persons designated are to counsel and assist the hearing judge in his consideration of educational issues.

(i) "Nonreemployment" means the nonrenewal of a teacher's contract under which he/she was teaching upon expiration of the contract (end of school term).

(j) "Policy of evaluation" means the development of a document describing the total evaluation system including the purposes for evaluating, the criteria to be used as standards, and the procedure to be followed in implementing the evaluation process.

(k) "Principal" - A principal shall be any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal shall be a principal who devotes at least one-half the time school is in session to classroom teaching. Provided, teaching principals shall not be required to hold administrative certificates.

(l) "Probationary teacher" or "nontenured teacher" means a duly certified or licensed teacher who has completed less than three (3) consecutive complete school years of teaching service in one school district under a written teaching contract. (70-6-102.1)

(m) "Public homosexual activity" means the commission of an act defined in Section 886 of Title 21 of the Oklahoma Statutes, if such act is:

1. committed with a person of the same sex, and
2. indiscreet and not practiced in private;

(n) "Public homosexual conduct" means advocating, soliciting, imposing, encouraging or promoting public or private homosexual activity in a manner that creates a substantial risk that such conduct will come to the attention of school children or school employees.

(o) "School nurse" employed full time by a Board of Education shall be a registered nurse licensed by the Oklahoma State Board of Nurse Registration and Nursing Education, and certified the same as a teacher by the State Department of Education. A school nurse employed by a Board of Education shall be accorded the same protection of laws and all other benefits accorded a certified teacher.

(p) "Staff development program" means the program mandated by this act for the continuous improvement and enrichment of the certified and licensed teachers of this state.

(q) "Suspension" or "suspended" means the temporary discontinuance of a teacher's teaching service.

(r) "Superintendent" is a district superintendent of schools who shall be the executive officer of the board of education and the administrative head of the school system of a district maintaining an accredited high school, provided he/she holds an administrator's certificate recognized by the State Board of Education. For this Act, superintendent shall be deemed to include the county superintendent who is the superintendent of non-high school districts of the county.

(s) "Teacher" means any person who is employed to serve as district superintendent, county superintendent, principal supervisor, counselor, librarian, school nurse, or classroom teacher, or in any other instructional, supervisory, or administrative capacity. Such person shall not be deemed qualified unless he or she holds a valid certificate or license issued by and in accordance with the rules of the State Board of Education, to perform the particular services for which he or she is employed. For purposes of complying with the State Aid Law and other statutes which apportion money on the basis of teaching units or the number of teachers employed or qualified, all persons holding proper certificates or licenses and connected in any capacity with the instruction of pupils shall be designated as "teachers."

(t) "Teacher (Certified)" means any teacher who has been issued a certificate by the Board in accordance with this act and the rules and regulations of the Board.

(u) "Teacher (Consultant)" means any teacher holding a standard certificate who is employed in a school district to serve as a teacher and who has been appointed to provide guidance and assistance to an entry-year teacher employed by the school district.

(v) "Teacher (Entry-year)" is any licensed teacher who is employed in a local school to serve as a classroom teacher under the guidance and assistance

of a teacher consultant and an entry-year assistance committee. Any such person shall have completed the program of the college or school of education from the accredited institution of higher learning from which the person has been graduated.

(w) "Teacher (Licensed)" means any person who holds a valid license to teach, issued by the State Board of Education in accordance with this act and the rules and regulations of the Board.

(x) "Teacher (Student)" is any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training and who is jointly assigned by such institution of higher learning and a school district's board of education to perform practice teaching under the direction of a regularly employed and certified teacher. A student teacher, while serving as a nonsalaried internship under the supervision of a certified teacher shall be accorded the same protection of the laws as that accorded the certified teacher.

(y) "Tenured teacher" or "postprobationary teacher" means a duly certified teacher who has completed three (3) or more consecutive complete school years of teaching service in one school district under a written teaching contract. Provided, however, that a school district employing a teacher who has previously held tenure within the state may grant tenure to said teacher upon renewal of said teacher's contract for the second year in the district. (70-6-102.1 - effective 7-1-81). A fraction of a year cannot be considered in computing length of teaching service necessary to establish tenure. November 23, 1977. (Attorney General's Opinion No. 77-149).

IV. Statutory Requirements of a Written Policy of Evaluation

Prior to October 15, 1977, each board of education shall establish a written policy of evaluation for all teachers including administrators (70-6-102.2). Such policy of evaluation shall:

(a) be established subsequent to consultation or involvement by representatives selected by local teachers.

(b) be in accordance with this Act, as amended.

(c) in those districts in which there exists a professional negotiation agreement, in accordance with Section 509.6 of Title 70 of the Oklahoma Statutes, the procedure for evaluating members of the negotiations unit shall be a negotiable item. Nothing in this Act shall be construed to annul, modify or preclude the renewal or continuing of any existing agreement heretofore entered into between any school district and any organizational representative of its employees.

(d) be prescribed in writing at the time of adoption, as well as when alterations are made, and shall be made available to all teachers including administrators.

(e) provide that all evaluations be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each teacher.

(f) provide that (1) commencing not later that the 1977-78 school term, every probationary teacher shall be evaluated two (2) times per year, once prior to November 15 and once prior to February 10, and (2) every tenured teacher shall be evaluated at least once every three (3) years, except as otherwise provided by law.

(g) provide that except for superintendents who shall be evaluated by local boards of education, all certificated personnel including administrators shall be evaluated by local school board. Attorney General's Opinion No. 77-235 (Sept. 20, 1977) states that a teaching principal may conduct teacher evaluations if such teaching principal be so designated by the local Board of Education.

A true copy of the evaluation report of each teacher including administrators shall be presented to such teachers and receipt of such evaluation shall be acknowledged by his/her signature thereon.

Within two (2) weeks the teacher may respond to the evaluation and such response shall be made a part of the evaluation record. Evaluation records shall be confidential and access to such records shall comply with the State and Federal Privacy Acts, including the provisions of this Act, which specified that such records shall be available to the court, to the board of education, to administrative staff, to another school board to which the teacher seeks employment, and to the hearing panel, and such other persons as are specified by the teacher in writing. (70-6-102.3)

Attorney General's Opinion No. 79-80 (April 26, 1979) provides that contents of evaluation documents and responses may not be disclosed to anyone other than the classes of persons specifically designated, whether meeting of board is open or in executive session, teacher affirmatively waives confidentiality.

V. State Department of Education Suggested Guidelines for Establishing Evaluation Systems

The purpose of this part of the document is to assist local district boards of education and their chosen teacher and administrator representatives and consultants in establishing a systematic policy of evaluation for all teachers (including administrators). The written policy and procedures which should result from the activities listed and described will facilitate the implementation of the Teacher Evaluation Law — Enrolled Senate Bill No. 249 of the Thirty-Sixth Oklahoma Legislature (First Session).

These guidelines have been developed to serve as a checklist in response to which each district can develop, verify, or adapt its program of evaluation of the professional staff.

A. Underlying Premise

Development of the Teacher evaluation legislation came after many hard battles among concerned legislators and representatives of various different educational organizations. Each organization in its own special way was trying to achieve what was (as the law states in at least two places) necessary and in the best interests and welfare of the children in the district.

1. The number one reason for the bill is to improve the quality of teaching.

   Such a premise implies the creation of an environment in every school system in which teachers and every other member of the staff are busily engaged in activities designed ultimately to enhance student learning experiences. Although it is expected that all personnel will improve both personally and professionally as a result of the evaluation, the intention is that students will be chief beneficiaries.

2. The school district has a responsibility for the improvement of all teachers.

   Teachers do not come out of training institutions perfect or even complete in their training. Evaluation, therefore, is not mandated to get rid of teachers, but is designed to help personnel improve. The Act specified in several places that the Board and administration should (1) make reasonable effort to assist the teachers to correct whatever appears to be the cause for potential dismissal or nonreemployment; (2) allow a reasonable time for improvement; and (3) help the teacher to become a better teacher (or administrator).

3. Evaluation assumes a series of expectations which will influence all levels of management.

   Boards expect administrators to be able to show management results. Teachers are expected to perform well in relation to applicable

criteria. Teachers expect students to improve in specified learning behaviors. Others expect many other things of the school in part or as a whole. Whether it is called management, objectives, accountability, job functions, or some other resurrected or emerging name the process deals with establishing some systematic direction in a school district usually in the form of specific goals and objectives for each position. Such goals and objectives form one of the most important bases for the evaluation program.

4. Documentation provides the best evidence of improvement and need.

   The Act specifies written policies, written evaluations, written reports, and written decisions. There also are implied written lesson plans, goals, objectives, management plans, etc. Written evidence is needed to verify that evaluation was accomplished according to law, that the evaluation procedure was fair, that recommendations for improvement were actually made, and that action was really taken to improve that quality of education in the district. In the rare case of dismissal or nonreemployment considerations, written evidence is needed so that both parties may present better cases to the end that justice prevail. The ultimate value of written evidence, however, comes in its usefulness for dissemination to show the good that the school is doing and in its usefulness for changing the educational programs for the students' learning benefit.

B. Checklist for an Evaluation System

Here are the elements that each district's evaluation system should contain:

1. A written policy addressing purpose, goals, objectives, targets, procedures, methods, and uses of the evaluation system. This policy shall be developed by the board in consultation with representative teachers and administrators.
2. Procedures for making evaluation information available to all affected personnel.
3. A listing of the evaluation and hearing steps.
4. Written performance criteria by which to evaluate all certificated staff. Some districts will prefer job descriptions and standards which may be cross-referenced to district and school goals and objectives. Some will prefer evaluation forms as criteria.
5. Dates (or a schedule) for evaluation visits for probationary and tenured staff.

6. Identification of the personnel or positions which will perform the evaluations.

7. What is to be evaluated. Consideration should be given to:

   a) Self-evaluation progress reports by individuals being evaluated.

   b) Criteria related to the job description, district goals, school objectives, and the previously cooperatively developed position objectives.

   c) Equitable application of evaluation criteria to all personnel.

   d) Evaluating only those things which are currently applicable to the job the staff member is performing and not those things which should have been evaluated during preemployment. (An illustration here is "inadequacy of background." To apply this criteria to a teacher after and then expect correction within two months' time would not be defensible.)

8. Specified ways that evaluation data will be collected (see sample forms in Appendix C, page 41) and when, how long and how observations will be performed.

9. Security and controlled access to the evaluation reports.

10. Provisions for initial, post visit, and follow-up conferences with evaluator or immediate supervisor. Forms should be completed by evaluator, signed, then reviewed, commented on, and signed by the person being evaluated.

11. Place for recommendations, prescriptions, or citations of inadequacy. These procedures should include written statements by the evaluator as to:

   a) What should be done by the person evaluated, including level of performance expected.

   b) When the corrective action is expected to be completed, which time shall not exceed two months.

   c) What resources the school will provide to help the person evaluated achieve the expected performance.

   d) The form in which the report of performance should be submitted (i.e., oral interview, self-evaluation report, narrative description, list of data action documents, etc.).

12. Ways the administration will provide resources and assistance for corrective action. This assistance should provide alternatives which could include:

a) Assignment to another school or position within the district.

b) Visitations and planning.

c) Demonstrations or simulations.

d) Video tapings and assigned supervisor.

e) Reports.

f) Special supervision.

g) Assignment to a performance team.

h) Conference.

i) Workshops and in-service sessions.

13. Ways the district will utilize the evaluation finding to improve learning in the district to:

a) Develop in-service education programs to resolve inadequacies.

b) Identify areas where improvements are needed.

c) Provide justification for changes in staff, facilities, resources, and programs, or to be a needs assessment for developing new programs.

d) Disseminate valuable information to various publics.

e) Provide a record of the quality of teaching and quality of staff in the district.

C. **Checklist for Policy Development**

The following is a checklist that may be used to formulate a written teacher evaluation policy and determine items to be included therein.

1. Preplanning Stage

a) A planning group has been organized. This group represents the local board of education and representatives of local teachers and representatives of the administrations.

b) A list of the duties and responsibilities of the planning committee has been developed.

c) A continuing system of communications has been established. The committee meetings are open, the minutes are widely distributed, and a plan for soliciting total teacher attitudes and suggestions has been developed.

2. The Review Stage

   a) Each member of the group has had the opportunity to review the state regulations and the statute.

   b) Current research findings on staff evaluation have been reviewed.

   c) All available information on the present teacher evaluation procedures has been collected and reviewed.

3. The Planning Stage

   a) The philosophy, goals, and objectives of the teacher evaluation program have been stated. The following reasons for evaluating have been considered:

      1) Improving staff performance.

      2) Motivating staff to more closely attain their potential.

      3) Letting staff know what is expected of them.

      4) Providing input information for various administrative decisions.

      5) Determining whether tenure is to be granted.

      6) Differentiating staff assignments.

      7) Determining staff training needs.

   b) Have developed a master schedule of the various steps in the staff evaluation program.

   c) Have written job descriptions for all staff.

   d) Have written performance standards for all employees, and these standards are cross-referenced to the district goals and philosophy. These performance standards include both long-term and interim standards.

   e) The frequency and times for evaluation to occur have been decided in accordance with the Act. The following times have been considered:

      1) During preemployment selection.

      2) During the probationary period.

      3) At the point of the tenure decisions.

      4) During the tenure period.

      5) At the point of decision to terminate employment.

f) Have determined who shall serve as evaluators.

g) Have determined the techniques, procedures, and instruments to be used in conducting the evaluation. The following have been considered:

1) Cost benefit and cost-effectiveness analysis of various evaluation methods.

2) Simulations.

3) Video and audio recordings.

4) Classroom interaction observational techniques.

5) Self-evaluation reports on job objectives.

6) Questionnaires.

7) Anecdotal records.

8) Professional growth records.

9) Rating scale, checklists.

10) Performance compared to job descriptions.

11) Performance compared to state performance standards.

12) Combinations of the above.

h) Have determined where the evaluation reports will be filed and secured, how they will be analyzed, and how and to whom they will be presented for use.

i) Have provisions for a follow-up, face-to-face conference between the evaluator and the teacher evaluated. This should be scheduled very soon after the data is collected and evaluation report completed.

j) Provisions have been made for the teacher evaluated to receive a signed (true) copy of the evaluation, and consideration has been given to making available a procedure for the teacher who wishes to request another evaluation by a different evaluator.

k) Have provided for in-service training for all persons serving as evaluators.

l) Have provisions for evaluating the evaluators. This plan should include the following:

1) Is the evaluator consistent in his multiple evaluations of the same teacher?

2) Is the evaluator consistent in his evaluation of teachers as compared to evaluations of the same teacher by other evaluators?

3) Does the evaluator utilize the approved criteria?

4) Should the evaluator continue to perform the function of evaluating?

m) Have provided a plan for evaluating the total evaluation program. This plan should include a review of the following:

1) How well are the purposes of evaluation being met?

2) Is the plan discriminating among the various levels of performance quality?

3) Is the plan efficient in terms of teacher time and the district's cost?

4) Do the teachers feel the plan is fair, reasonable, and helpful?

n) Provide for utilizing evaluation findings to improve learning in the district by:

1) Designing in-service education to resolve inadequacies.

2) Identifying areas where improvements are needed.

3) Using evaluation results as a basis for justifying changes in staff, facilities, resources, programs.

o) Make the evaluation policies, forms and information available to all school staff.

VI. Procedures Designed To Avoid Potential Teacher Dismissal

Title 70, 6-103.1 precludes substitute teachers, adult education teachers, short-term contract teachers, county superintendents, and teachers fully paid from federal or private categorical funds from the suspension, dismissal, and nonreemployment procedures of the Act. Also, Attorney General's Opinion No. 79-351 states that statutory dismissal, suspension and nonreemployment procedures do not apply to teachers or counselors in Skills Centers or Inmate Training Centers operated by State Department of Vocational and Technical Education. (January 17, 1980.)

This part of the Act subscribes to the old adage that "an ounce of prevention is worth a pound of cure." It mandates diagnostic and remedial techniques for identifying and remediating certain deficiencies in the professional performance of teachers.

Principals having delegated administrative responsibilities as a part of the comprehensive operation of their respective schools have an inherent obligation for the professional success of their teaching staff. Accordingly, it behooves the principal to use the evaluation system under the provisions of this law to help upgrade teacher proficiency.

Subsequent to an analysis of the results of a number of measures from which it can be validly inferred that a teacher's performance the principal shall, according to law:

(1) Bring the matter to the attention of the teacher, in writing, and make a reasonable effort to assist the teacher to correct whatever appears to be the cause for potential dismissal or nonreemployment; and

(2) Allow a reasonable time for improvement, which time shall not exceed two (2) months. The nature and gravity of the teacher's conduct shall be considered in determining what length of time would be reasonable. If the teacher does not correct the cause for potential dismissal or nonreemployment within a reasonable length of time, the principal shall make a recommendation to the superintendent of the school district for the dismissal or nonreemployment of the teacher. (70-6-103.2)

The school system should make facilities at its disposal available to help such teachers. The principal will encourage the use of such facilities as: (a) an accessible professional library and/or media center; (b) local, county, and State Department of Education supervisory services ; (c) in-service education activities with local, county, regional service center, college, or state groups; (d) individual study; and (e) the acquisition and utilization of a wide variety of teaching materials.

VII. Steps To Be Followed In Suspending Teachers

If a superintendent, or county superintendent, in the case of the non-high school district, has substantial evidence based on documented facts that he/she has reason to believe that cause exists for dismissal of a teacher is necessary in the best interests of the children of the district, the superintendent may suspend that teacher without notice or hearing. Such suspension, however shall not deprive said teacher of any teaching compensation or other benefits to which he/she would otherwise be entitled under contract or pursuant to law.

Within ten (10) days time after such suspension becomes effective the superintendent shall initiate proceedings to have the teacher dismissed pursuant to Section VIII which follows. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated at a trial. Provided, however, such extension shall not include any appeal process.

VIII. Procedures To Be Followed By District And County Superintendents In Teacher Dismissal And Nonreemployment

Subsequent to the decision by the superintendent that cause does, in fact, exist for the dismissal or nonreemployment of a teacher within the school district, he shall act according to the following procedure:

(1) Submit a recommendation in writing to the employing district board of education (Appendix D, pages 75-76). If the teacher is a tenured teacher such recommendation shall contain one or more statutory grounds for the potential dismissal or nonreemployment.

(2) The superintendent's recommendation for dismissal or nonreemployment of either a tenured or probationary teacher shall be approved or rejected by a majority vote of the board members whose votes shall be recorded individually in the minutes of the board meeting.

(3) If the board approves the recommendation or decides on its own volition that a teacher should be dismissed or nonreemployed the board of education shall cause written notice of such decision to be sent to the teacher by certified mail, restricted delivery, with return receipt requested, as shown in Appendix D, pages 79-80.

Such notice shall state the one or more statutory grounds for the dismissal or nonreemployment and the right of the tenured teacher to a due process hearing before a hearing panel described in Section X, page 19.

(4) In the case of the probationary teacher the notice shall be mailed as described above except that the notice shall state the cause for nonrenewal and the right of the teacher to have a due process hearing described in Section XI, page 27, to be conducted by the local board of education.

(5) Pending final determination on dismissal or nonreemployment the board may have either a probationary or tenured teacher suspended if it deems that such action is in the best interest and welfare of the pupils of the district. Such teacher shall not be deprived of any compensation or other benefits to which he/she is entitled. However, in a case involving a criminal charge or

indictment, such suspension may extend to such time as the teacher's case is finally adjudicated at a trial. Provided, however, such extension shall not include any appeal process.

(6) Within ten (10) days of receipt of the notice, the teacher shall notify by certified mail, restricted delivery with return receipt requested (see Appendix E, page 81), the clerk of the board of the decision with respect to the appropriate hearing entitled.

(7) If a tenured teacher fails to notify the clerk within the ten-day period allowed of a desire for the hearing to be conducted by a hearing panel, it shall be deemed that such teacher has waived any rights to a hearing and the decision of the board shall be final, and nonappealable.

Conversely, if within the ten-day period the tenured teacher notifies the clerk of a desire for the hearing, which is to follow the procedure described in Secion X, page 19, the clerk shall, not later than the end of said period of time, notify the State Superintendent of Public Instruction of such request. (See recommended Request Form, Appendix F, page 87.)

(8) If a probationary or licensed teacher fails to notify the clerk of the board within the ten-day period of a desire to have a due process hearing dismissal or nonreemployment conducted by the district board of education, such teacher will have waived the right to the hearing and the decision will be final and nonappealable.

Instead, if the probationary or licensed teacher notifies the board within the allotted ten-day period of a desire for a due process hearing before the school board, the board shall conduct such hearing as soon as possible. At such hearing the probationary teacher shall be afforded all procedural due process rights following the procedure described in Section XI of this bulletin on page 28. At the conclusion of the hearing the local board of education shall render a decision on the case which shall be final and nonappealable.

IX. Establishment Of And Provisions For A Hearing Judge List, Judge, And Panel

A. Hearing Judge List

Senate Bill No. 249 (70-6-103.5) provides for the appointments of a hearing judge list of not less than two hundred (200) Oklahoma attorneys with trial experience to be provided by the Oklahoma Bar Association. Members of the Legislature are precluded from the list. Individuals on the list are appointed for four-year terms, or until they resign and they are subject to removal for cause by the State Board of Education or the Oklahoma Bar Association. The Bar Association fills vacancies and may reappoint members.

B. **Hearing Judge**

Upon receipt of notice that a tenured teacher desires a hearing on dismissal or nonreemployment, as described by Section X, page 21, the State Superintendent of Public Instruction shall within ten (10) days of receipt of such notice designate twenty-one (21) individuals on the hearing judge list, one of which may act as hearing judge. These twenty one (21) individuals shall be selected from at least three (3) geographic areas (district attorney districts) of the state. (See map in Appendix B, page 39)

The State Superintendent's list is sent to both the teacher and the local board of education:

(1) The tenured teacher and the board of education or its designated representative, shall select a hearing judge within twenty (20) days of receiving the hearing judge list.

(2) If the two parties cannot mutually agree, each party shall eliminate ten (10) names, one at a time, taking turns, with the tenured teacher eliminating the first name. The remaining individual on the list shall serve as hearing judge.

In the event the judge selected is unable to serve, the State Superintendent shall be promptly notified, by phone if necessary, whereupon he will forthwith submit either (1) the second list of twenty-one (21) names different than the original group, (2) a list that contains at least one (1) different name from the original twenty-one (21) names, or (3) one additional name to replace the person selected who could not serve.

This process can be repeated until a person is selected who will serve as judge.

After a judge has been selected, the local district official shall immediately notify the State Superintendent who will inform this person of the selection. The hearing judge shall set the date, time and place for the hearing within ten (10) days after selection and shall immediately notify both parties and advise them of the State Board of Education procedure, as provided by law. The place of the hearing shall be the employing school district, the county seat, or a mutually agreeable site.

C. **Hearing Panel**

The hearing panel shall consist of three (3) members: (1) the judge, (2) a person designated by the accusing school district, and (3) an individual selected by the accused tenured teacher. The latter two members shall counsel and assist the judge in his consideration of educational issues.

This panel decides if the tenured teacher is to be reinstated or if the decision of the board is to be sustained.

D. **Hearing Expenses**

The local board of education and the accused tenured teacher shall each be responsible for 50% of the expenses and costs of the hearing and other expenses related thereto, including transcription of records and preparation of reports. However, each party shall bear expenses for fees owed to attorneys they have retained.

E. **Compensation for Hearing Panel**

The maximum amount allowed for services of the hearing judge shall be $40 per hour not to exceed $250 per day. The fee for each of the other hearing panel members shall be $25 per day or part thereof plus an amount equal to the fee paid for a substitute teacher, if such situation exists.

Travel expenses including lodging and meals shall be at the same rate as that allowed by law for all state employees, as follows:

Mileage:

Traveling expenses will be calculated at $.22 per mile. (See Appendix G, Forms A and B, pages 93-94, for Travel Expense Claim.)

Lodging:

A hearing panel member will be reimbursed for lodging at a rate (effective April 12, 1982) not to exceed $28.00 per night or actual cost, if lower, except when lodging occurs in the designated in-state high rate geographical areas of these counties: Oklahoma, Tulsa, Roger Mills, Caddo, Custer and Beckham counties. Lodging shall be reimbursed not to exceed $35.00 per night. Receipts for lodging must accompany claims for reimbursement.

Per Diem:

The three hearing panel members will be paid $4.50 per quarter day ($18.00 per day) while in travel status within the state. Per diem commences at the time the traveler enters travel status. You must be in travel status more than three (3) hours in any quarter and for a minimum of at least twelve (12) hours in order to claim per diem.

This can be calculated according to the charts shown in Appendix G, Form C, page 95.

It is the responsibility of each of the members of the hearing panel to keep an itemized account of his/her expenses incurred for the hearing

as described above as well as such other expenses, e.g., materials and clerical assistance and submit to the hearing judge. (See Appendix G, Form D, page 96.)

Each party shall pay its share (50%) of all obligations within thirty (30) days of receipt of expense statements to the hearing judge. (See Appendix G, Form E, page 97.)

X. Procedures And Conduct For Due Process Hearings Of Tenured Teachers

(The standards and procedures provided herein for governing individual proceedings were authorized by Senate Bill No. 249, developed and adopted by the State Board of Education in accordance with the Administrative Procedures Act, 75 O.S. 1981, Section 301, et seq.)

A. Rights Afforded Parties

The tenured teacher and district superintendent or his designee, as the representative of the local board of education shall be afforded procedural due process at the hearing which includes the following rights:

1. To have counsel of his own choice present who shall be duly licensed to practice law by the Supreme Court of Oklahoma;
2. To present witnesses in person or to present their testimony by interrogatories, affidavits or depositions. A list of any witnesses which are to be presented shall be furnished to the other party at least five (5) days before the hearing is scheduled;
3. To testify in his own behalf and give reasons for any actions or policies;
4. To have an orderly hearing;
5. To have an impartial decision based upon the evidence; and Senate Bill No. 249 adds the following provision:
6. To have an official transcript of the hearing made.

B. Grounds for Dismissal or Nonreemployment

The dismissal of a teacher from contractual duties anytime during the school term and/or the nonrenewal of a teacher's contract at the end of the school year (June 30) shall be based upon one or more of the following statutory reasons (70-6-103):

1. immorality
2. willful neglect of duty

3. cruelty
4. imcompetency
5. teaching disloyalty to the American Constitutional system of government
6. any reason involving moral turpitude
7. if convicted of a felony or if convicted of a felony resulting from a felon violation of the narcotics laws of the United States or the State of Oklahoma. These provisions shall not apply to any offense for which a presidential or gubernatorial pardon has been issued.
8. public homosexual conduct or activity. (70-6-103.15)
9. failure to meet local school board staff development requirements may be grounds for nonrenewal of teacher's contract by the local school board. (70-6-158B)

Also, Attorney General's Opinions state that a local Board of Education can refuse to renew contract of teacher, whether probationary or tenured when:

—teaching position is eliminated, June 1, 1979 (79-151)
—reduction in force, January 27, 1982 (81-288)

Also according to AGO 76-194 dated June 29, 1976, when because of a decrease in number of pupils a teaching position is changed from full time to part time, contract of tenured teacher can be reduced to one-half time and salary reduced accordingly. AGO 80-197 written on September 2, 1980, states that when a teacher is not reemployed due to loss of federal funding, the school board is not required to employ teacher in a position which subsequently becomes available.

C. Administrative Hearing Procedures

1. Presiding Officer

The Hearing Judge shall be the presiding officer at the hearing or proceeding. The order of procedure will follow generally that which is used in civil proceedings or law. However, strictness of procedures shall not be required.

2. Disqualification of Presiding Officer

The presiding officer shall withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a Hearing Judge on the

ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the presiding officer. Upon the entry of an order of disqualification affecting a Hearing Judge, the teacher and the local board's designee shall select another in his stead from another list of twenty-one (21) attorneys requested from the State Superintendent of Public Instruction.

3. **Request for a Hearing**

Whenever the tenured teacher desires a hearing, the superintendent shall request a hearing from the State Superintendent of Public Instruction (see recommended Request Form in Appendix F, page 87). The request shall contain the name of the party appealing, setting forth the alleged statutory grounds for relief is sought. The secretary of the State Board of Education will promptly respond to the request.

4. **Notice to Parties of Place, Date and Time of Hearing**

As soon as possible after the Hearing Judge has been selected he shall notify all parties of the grounds alleged and their right to have a hearing by a Hearing Panel, as provided by law. (See Appendix H, page 101, suggested Notice Form.)

5. **Method of Serving Notices**

All notices or other papers, service of which is required in individual proceedings, shall be served in one of the following manners:

a) Personally upon the notice, by any person appointed to make service by the Hearing Judge, and in any manner authorized by law of this state for the service of summonses in proceedings in the state courts; or

b) By certified mail, or by registered mail, restricted delivery, with return receipt requested, addressed to the noticee at such post office address as filed with the superintendent, or if no such address has been filed, at the noticee's last known post office address. Service of notices shall be complete upon personal service, or upon the deposit of certified mail in the post office, as case may be.

6. **Request for Continuance**

Within the thirty-day limit provided by law for good cause shown upon application upon any party in the hearing, the judge may reschedule the hearing.

7. **Hearings To Be Open**

Within the physical limitations of the designated hearing room, hearings conducted within the scope of this procedure shall be open to the public, except deliberations following submission of the case. (AGO 81-109, April 16, 1981)

8. **Informal Disposition**

Informal disposition of any appeal may be made by stipulation, agreed settlement, consent order, or default. Written notice signed by each party or their counsel representatives shall be delivered to the Hearing Judge prior to the date of the hearing.

9. **Responsibilities and Authority of the Hearing Judge**

The Hearing Judge shall be responsible for the issuance of notices and other instruments and all arrangements for the hearing.

Other responsibilities of the Hearing Judge are:

a) Administer oaths;

b) Issue subpoenas for the attendance and testimony of witnesses and the production of books, papers, and documents relating to any matter under investigation. The costs covering the issuance and service of subpoenas and all witness fees incurred on behalf of a party to the proceedings shall be borne by the party on whose behalf they are incurred (see sample subpoena, Appendix H, page 102);

c) Receive evidence and limit lines of questioning and testimony which are repetitive, cumulative or irrelevant;

d) Preside over the course of the hearing and dispose of procedural requests, motions and similar matters;

e) Be responsible for keeping an itemized account of his time of service, travel and other expenses, as well as totaling all hearing costs, dividing it equally between the teacher and board of education, and sending statements to each party. Accounts are payable within thirty (30) days from receipt of statements (see Appendix G, page 93, for instructions in computing costs);

f) Arrange for a court reporter and/or person to tape-record the proceedings, to be paid at the prevailing wage, and see that a transcript is made available to the teacher, the superintendent or designee, and the Hearing Judge for the official record;

g) Write the final report upon the completion of the hearing by the hearing panel; and

h) Forward the record of hearing upon submission of his final report no later than ten (10) days to the office of the State Board of Education, Room 1-70, Oliver Hodge Memorial Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. A copy of the expense statements and any other papers pertaining to the hearing shall be transmitted to the State Board office to be filed in the permanent record as soon as possible.

10. **Communication with Parties**

The Hearing Judge and members of the Hearing Panel shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law without previous notice to the opposing party. The Hearing Judge and Members of the Hearing Panel may communicate with one another.

11. **Proof of Service**

Proof of service of all notices, subpoenas or other documents requiring service may be made by affidavit of the party making service, specifying dates and manner of service, or as otherwise provided by law. Such proof shall be prima facie evidence of the fact of service as stated, and the burden of proof shall be upon any person or party contesting the same to establish its invalidity.

12. **Rules of Evidence**

The rules of evidence set forth in the Administrative Procedures Act shall apply to all hearings authorized by this Act.

13. **Burden of Proof**

The standard of proof shall be by the preponderance of the evidence and the burden of proof at the hearing shall be on the district superintendent of his designee, as representative of the local board of education, to establish that the teacher's dismissal or nonreemployment is based upon the statutory grounds in the case of a tenured teacher.

D. **Procedures for Conduct of Hearing**

Hearings held within the scope of these guidelines shall be convened by the Hearing Judge who shall state the purpose of the hearing and preside over the course of the proceeding.

Upon the convening of the hearing, the Hearing Judge will have each party introduced for the record.

The Hearing Judge shall administer the oath to all persons who are to testify or require affirmations for the purpose of the hearing; rule upon all motions, objections, offers of proof or other incidents of the hearing.

Upon the request of either party, the Hearing Judge may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his counsel shall not be excluded.

1. **Notice of Facts**

   Either party or his attorney may request that official notice be taken of any fact qualified for such notice by the statutes of this state. If such official notice is taken, it shall be stated in the record, and all parties shall have opportunity to contest and give evidence in rebuttal or derogation of the official notice.

2. **Presentation and Consideration of Evidence**

   The Hearing Panel shall consider only evidence upon the specific cause under which the local board acted as was contained in the notice sent to the teacher for dismissal or nonreemployment.

   Questions of admissibility of evidence shall be governed by the Administrative Procedures Act generally, e.g.,

   a) If the hearing is expedited and the interest of the parties will not be prejudiced substantially, it may be submitted in written form;

   b) Documentary evidence may be received in the form of copies or excerpts;

   c) A party may conduct cross-examination;

   d) A party may contest material; and

   e) As stated earlier, a party may be represented by counsel.

   No questions or statements will be allowed by members of the public attending the hearing, except through the parties or their counsel, or members of the Hearing Panel.

   Any document offered in evidence shall be marked with a distinguishing number or letter such as "Teacher's Exhibit #1" or "Board's Exhibit #1."

3. **Order of Procedure**

The order of procedure shall be as follows:

a) Opening statement for local board;

b) Opening statement for the teacher;

c) Presentation of local board's evidence followed by cross-examination of witnesses and questions by the Hearing Panel members;

d) Presentation of teacher's evidence followed by cross-examination of witnesses and questions by the Hearing Panel members;

e) Closing argument for local board; and

f) Closing argument for teacher;

g) Adjournment.

4. **Record of Hearing**

The record of the hearing shall be set forth in such form and detail as the Hearing Judge may direct. The permanent record shall include: all pleadings, motions, and intermediate rulings; evidence received or considered; a statement of matters officially noticed; questions and offers of proof; objections and rulings thereon; any decision, opinion, or report by the officer presiding at the hearing; all staff memoranda or data submitted to the Hearing Judge or members of the Hearing Panel for their consideration in the case.

All such records shall be public records maintained by the State Board of Education, subject to public inspection except for such records declared confidential by law.

5. **Minutes of the Hearing**

The Hearing Judge shall designate a person to take the minutes of the proceedings and who shall be paid at the prevailing wage.

6. **Reporter and Transcripts**

A court reporter may be arranged for by the Hearing Judge, or he may arrange for the proceedings to be tape-recorded from which a transcription shall be made upon request of either party or the Hearing Judge. The wages of the court reporter and the cost of the transcription from either method shall be the prevailing rate. All oral proceedings shall be recorded with the exception of executive sessions. These costs will be shared by the two parties.

7. **Testimony of Witnesses**

The testimony of witnesses and documentary evidence may be admitted on behalf of any party at the hearing, subject to objections by the opposing party. A party may conduct examinations required for a full and true disclosure of the facts.

8. **Hearing Panel's Decision**

The written report of the Hearing Panel, prepared by the Hearing Judge, shall contain an outline of the scope of the hearing, findings of fact and conclusions of law and shall direct either of the following:

a) That the local board of education reinstate the tenured teacher with full employment status and benefits; or

b) That the decision of the local board of education for the dismissal or nonreemployment of the tenured teacher be sustained.

The hearing shall be adjourned upon declaration of the Hearing Judge.

9. **Order, Findings of Fact and Conclusions of Law**

All findings of fact made by the Hearing Judge shall be based exclusively on the evidence presented during the course of the hearing.

The decision of the Hearing Panel shall be in writing and stated in the record. The order and findings of fact and conclusions of law shall be reduced to writing by the Hearing Judge who shall state each part separately. The order(s) are issued and signed by the Hearing Judge for transmission to the Principal parties and the State Superintendent of Public Instruction, to the attention of the secretary of the State Board of Education, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4559.

The time allowed the Hearing Panel to finalize its hearing, decision, and written report is as follows:

a) Within thirty (30) days from the time a Hearing Judge has been chosen, the Hearing Panel shall:

1) Complete the hearing;

2) Prepare a written report (See Appendix H, page 103); and

3) Submit copies of the report to the superintendent of the school district the tenured teacher and the State Board of Education. The report shall be written by the Hearing Judge.

b) If the Hearing Panel cannot prepare the report within said period of time, the tenured teacher and superintendent of school district shall be so notified prior to the end of such period.

c) The Hearing Panel may then take an additional ten (10) days time, as is necessary, not to exceed forty (40) days from the time the Hearing Judge was chosen, to prepare and submit the report.

d) An additional fifteen (15) days may be taken if the tenured teacher and district superintendent or their designees mutually agree to extend the time limit for preparation and submission of the report. The maximum time allowed is fifty-five (55) days.

10. **Right to Appeal**

The decision of the Hearing Panel as contained in the report shall be final and shall be obeyed by the parties involved unless the tenured teacher or the district superintendent as representative of the local board of education, appeals the decision to the district court. The provisions of the Oklahoma Administrative Procedures Act shall apply to such appeal.

XI. Procedures And Conduct For Due Process Hearings Of Probationary Teachers

(Senate Bill No. 249, Thirty-Sixth Legislature, 1977, created certain new provisions for the procedural treatment in the dismissal or nonrenewal of nontenured or probationary teachers. While some of the new provisions enacted related to teacher evaluation and suspension, the most substantial provisions as are applicable to probationary or nontenured teachers pertain to the required procedures for the dismissal or nonrenewal of such teachers' employment. Under the new law, the dismissal or nonrenewal of a nontenured probationary teacher must substantially comply with the following general requirements.)

A. Nontenured or Probationary Teacher Defined

A nontenured or probationary teacher is defined as a duly certified or licensed teacher who has completed less than three (3) consecutive complete school years of teaching service in one school district under a written teaching contract.

B. Superintendent's Recommendation

Whenever a superintendent of a school district determines that cause exists for the dismissal or nonreemployment of a teacher employed within the school district, he is required to submit a recommendation in writing to the board of education for such school district. The recommendation for the

dismissal or nonreemployment of a probationary teacher must be approved or rejected by a majority vote of the local board of education.

C. **Grounds for Dismissal or Nonreemployment of Probationary Teachers**

There are no specific statutory grounds or causes for the dismissal or nonreemployment of a nontenured or probationary teacher. Accordingly, a nontenured or probationary teacher may be dismissed or nonrenewed for causes which may be causes other than, or in addition to, those specified by law for tenured teachers, i.e., immorality, willful neglect of duty, etc. (See page 19).

D. **Notice of Dismissal or Nonreemployment**

A probationary or nontenured teacher which the board decides to nonreemploy or dismiss is entitled, if requested, to a "due process hearing" conducted by the local board of education. The notice of nonrenewal or dismissal must state the cause for nonrenewal and the teacher's right to have such a hearing.

E. **Request for Hearing**

Should the nontenured or probationary teacher desire a due process hearing, such request must be timely given. The teacher's request for this hearing must be given by the teacher to the clerk of the local board of education within ten (10) days from the time the teacher received notice of nonrenewal or dismissal by certified mail, restricted delivery, with return receipt requested. The failure of the teacher to give such notice is deemed to be a waiver of such right by the teacher and the local board's decision accordingly becomes final and nonappealable. A probationary teacher may be suspended in the same manner as a tenured teacher.

If the teacher timely requests a hearing, the local board of education shall, as soon as possible, hold such a hearing. At the hearing, the teacher is entitled to be afforded all such procedural due process rights as are guaranteed by the United States and Oklahoma Constitution. At the conclusion of the hearing, the local board of education shall render a final and nonappealable decision on the question of the probationary teacher's dismissal or nonrenewal.

F. **Due Process Hearing**

A due process hearing may be defined as an orderly proceeding adapted to the nature of a particular case, before a tribunal having jurisdiction, which hearing proceeds upon notice with an opportunity to be heard and which hearing is being conducted before a tribunal which has full power to grant relief.

The specific procedures required to be followed in order to afford a "due process hearing" are not explicitly defined by law. Furthermore, the procedures required in order to afford due process of law may vary depending upon the particular facts and circumstances of any particular case. However, there are certain fundamental guidelines recognized to be inherent in a due process hearing. These guidelines are:

1. Notice and Opportunity To Be Heard

   This requirement encompasses the right of an individual to be notified or appraised of the action taken by the board and the fundamental basis or reasons for such action taken is based upon an individual's testimony or documents, one is entitled to be confronted with such individual's testimony or such documents. Additionally, the requirement of an opportunity to be heard basically requires that one must be afforded the opportunity to respond, reply, or submit a defense to those reasons given or allegations made in support of the action taken. In this connection, an individual should be afforded the opportunity to present witnesses on their own behalf or submit documentary evidence in their defense.

2. Granted A Reasonable Time To Prepare For the Hearing

   This requirement merely requires that an individual be given a reasonable length of time from the time at which notice was received within which to prepare for the subject hearing. What constitutes a reasonable length of time is not specified and may vary depending upon the nature and circumstances of the case.

3. Hearing Before A Fair and Impartial Tribunal

   This requirement merely entitles an individual to be given a hearing before a tribunal, i.e., the local board of education, which will consider the matter in a fair and impartial atmosphere.

4. Right To Be Advised of the Tribunal's Final Decision and the General Basis Therefore

   This right affords the individual their entitlement to be advised of what decision was made as a result of the hearing, and further, a general explanation of the basis upon which such final decision was reached.

(The Oklahoma Supreme Court in the Jackson v. Stillwater District No. 16, 648 P.2d26 (Okl. 1982) held that a board of education decision at the due process hearing of a nontenured teacher will be fatally defective and subject to being overturned by a court if the board fails to include in a vote at that meeting and in the minutes a "Finding of Fact" upon which the termination was upheld. Thus a board's minutes need to show

two votes: the first vote, being a vote on the facts found, and the second vote being the vote to affirm the previous decision of the board to nonrenew the teacher (if this is indeed the decision of the board at the due process hearing - As reported by Larry Lewis, Attorney, Oklahoma State School Boards Association, in the April 1983 Oklahoma School Board Journal.)

G. Record of Proceedings

A written transcript of the required due process hearing is not specifically required by law. However, a minimally sufficient record, by way of minutes or otherwise, should be kept of the proceeding in order that it may be documented that the procedures required were followed. Such record should be sufficient so as to reflect the initial action taken, procedures followed, rights afforded, matters presented, and final action taken.

APPENDIX A

A. Calendar of Events for Teacher/Administrator Evaluation and Due Process Procedures

APPENDIX A

Calendar Of Events For Teacher/Administrator Evaluation And Due Process Procedures

The law provides a definite time frame for the implementation of procedures in teacher/administrator evaluations and due process hearings. The procedural steps are listed in order for the convenience of the reader.

1. A written policy of evaluation established by October 15, 1977.
2. Commencing not later than the 1977-78 school term every probationary teacher shall be evaluated two (2) times: once prior to November 15 and once prior to February 10.
3. Commencing not later then the 1977-78 school term every tenured teacher shall be evaluated at least once every three (3) years.
4. Within two (2) weeks after the evaluation has been presented to teacher, he/she may respond.
5. After evaluation, the principal brings the matter to the attention of the teacher if his/her employment is in jeopardy and allows a reasonable time for improvement, not to exceed two (2) months.
6. In the case of suspensions, the superintendent may suspend immediately a teacher, when it is necessary in the best interests of the children in the district, without notice or hearing.
   (a) Within ten (10) days after suspension becomes effective, the superintendent initiates proceedings to have the teacher dismissed by submitting a recommendation in writing to the local board of education.
   (b) If the board concurs, the board shall cause a written notice to be mailed by certified mail, restricted delivery, with return receipt requested, to the teacher.
   (c) Pending final determination of a tenured or probationary teacher's dismissal for nonreemployment, the local board may suspend the teacher if it is in the best interests and welfare of the students.
   (d) However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated at a trial. Provided, however, such extension shall not include any appeal process.

(e) Procedures for due process hearings following suspension are the same as for dismissals and nonrenewals, as described in Sections X and XI, pages 19-27, of this bulletin.

7. In the case of dismissals and nonrenewals, if the board concurs, a written notice shall be sent by certified mail, restricted delivery with return receipt requested, to the teacher prior to April 10.

8. Within ten (10) days, of receipt of notice, the teacher shall notify the clerk of the board by certified mail, restricted delivery, with return receipt requested, or else waive the right to a hearing.

9. If, within ten (10) days, the tenured teacher notifies the board that he/she desires a hearing, the clerk of the board shall request a hearing from the State Superintendent of Public Instruction and shall also ask for a list of twenty-one (21) attorneys from which to select a Hearing Judge.

10. The State Board of Education secretary shall respond to the request by sending names and addresses of twenty-one (21) attorneys, plus a copy of due process hearing procedures for each party to the tenured teacher and local board of education.

11. The tenured teacher and local board of education representatives shall select a hearing judge within twenty (20) days of receiving the hearing judge list. The superintendent will notify the office of the State Board of Education giving the name of the one selected.

12. The Hearing Judge will be notified immediately by the State Board secretary who shall mail the due process hearing procedures as well as necessary travel claim forms, etc.

13. The Hearing Judge shall schedule a hearing within ten (10) days after he is chosen.

14. The Hearing Judge immediately notifies the parties of the date, time and place for the hearing.

15. The local board and teacher both designate a person to counsel and assist the Hearing Judge. In addition, each party may have counsel of their own.

16. A list of witnesses must be furnished the other party five (5) days prior to the scheduled hearing.

17. Within thirty (30) days from the time the Hearing Judge has been chosen, the hearing panel shall complete the hearing; prepare a written report which shall be written by the Hearing Judge; submit copies of the report to the superintendent of the school district or designee, the tenured teacher, and the State Board of Education.

18. If the hearing panel cannot prepare the report in said period of time, the tenured teacher and superintendent shall be so notified prior to the end of such period.

19. The hearing panel may then take additional time, as is necessary, not to exceed forty (40) days from the time the Hearing Judge was chosen to prepare and submit the report.

20. An additional fifteen (15) days may be taken, if necessary. The maximum time allowed is fifty-five (55) days.

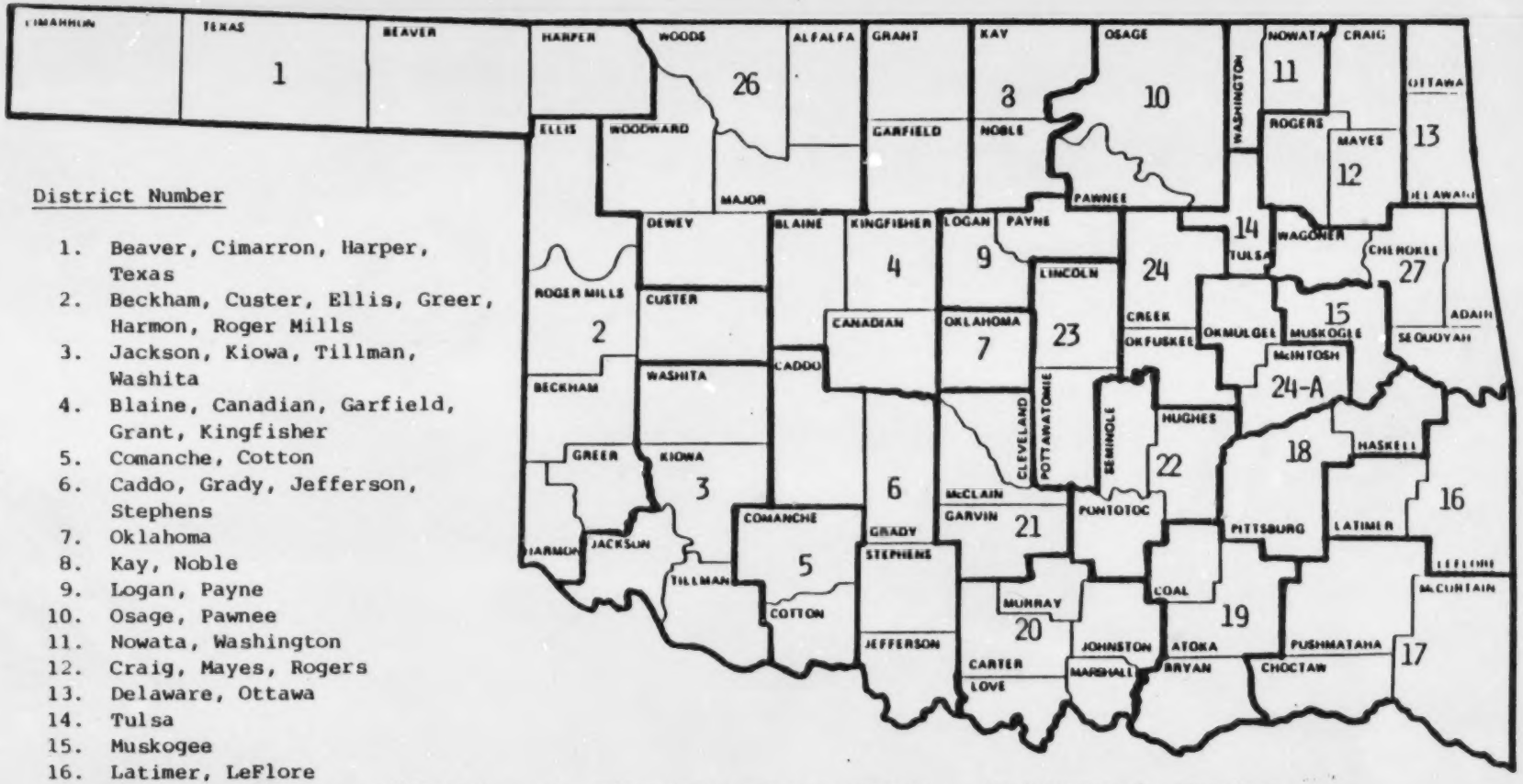
21. The Hearing Judge shall forward the record of hearing upon submission of his written report no later than ten (10) days to the office of the State Board of Education.

22. The Hearing Judge shall total the expenses of the hearing panel, excluding attorney fees, divide them equally, and send statements to each party, which are to be paid within thirty (30) days from receipt of statement. A copy of the expense statements and any other papers pertaining to the hearing shall be transmitted to the State Board office to be filed in the permanent record as soon as possible.

APPENDIX B

FORM A. Geographic Area Map

FORM A



District Number

1. Beaver, Cimarron, Harper, Texas
2. Beckham, Custer, Ellis, Greer, Harmon, Roger Mills
3. Jackson, Kiowa, Tillman, Washita
4. Blaine, Canadian, Garfield, Grant, Kingfisher
5. Comanche, Cotton
6. Caddo, Grady, Jefferson, Stephens
7. Oklahoma
8. Kay, Noble
9. Logan, Payne
10. Osage, Pawnee
11. Nowata, Washington
12. Craig, Mayes, Rogers
13. Delaware, Ottawa
14. Tulsa
15. Muskogee
16. Latimer, LeFlore
17. Choctaw, McCurtain, Pushmataha
18. Haskell, Pittsburg
19. Atoka, Bryan, Coal
20. Carter, Johnson, Love, Marshall, Murray
21. Cleveland, Garvin, McClain
22. Hughes, Pontotoc, Seminole
23. Lincoln, Pottawatomie
24. Creek, Okfuskee
24-A McIntosh, Okmulgee
26. Alfalfa, Dewey, Major, Woodward, Woods
27. Adair, Cherokee, Sequoyah, Wagoner

APPENDIX C

Suggested Forms for Staff Evaluation for Teachers and Administrators

Option 1. Check List System

Option 2. Narrative Report System

Option 3. Management by Objective System

Supplemental Materials

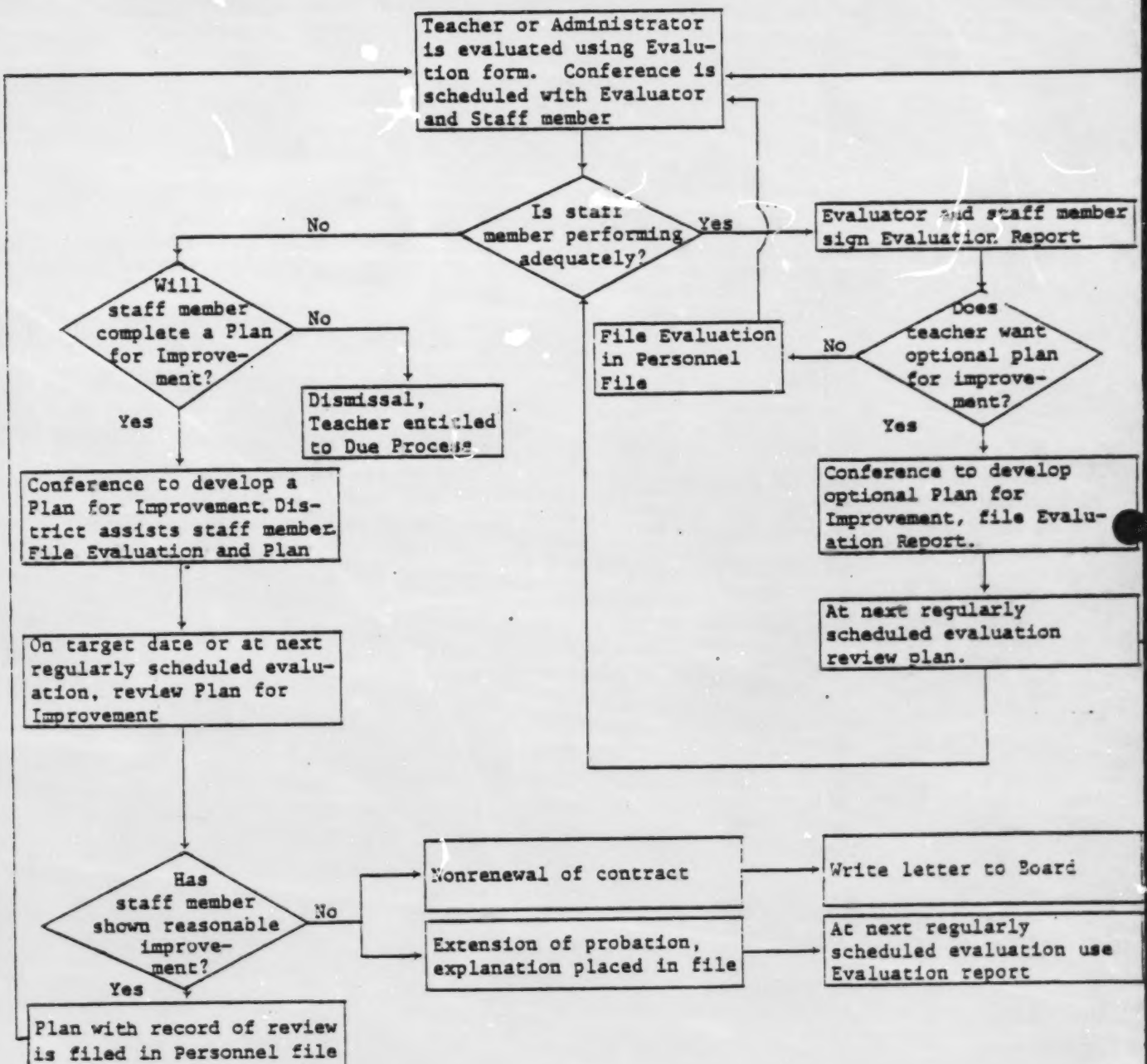
Suggested Policies

FORMS FOR STAFF EVALUATION

In addition to the written policy required by 70 O.S. 6-103, Supp. 1977, there is a provision that all evaluations be written and placed in the teacher's personnel file with a copy provided for the teacher. To assist the local district to comply with the requirement for written evaluation, three options have been developed and approved by the State Board of Education. The examples of a dismissal recommendation letter and a policy statement may be used to illustrate format and suggested content.

	Forms	Description
Evaluation Option 1	Teacher Evaluation Plan for Improvement Criteria for Teacher Evaluation Administrator Evaluation Plan for Improvement Criteria for Administrator Evaluation	A comprehensive checklist system based on criteria. Districts should review criteria and select those agreed upon by board and staff.
Evaluation Option 2	Staff Evaluation	A narrative report system based upon interaction between evaluator and staff member.
Evaluation Option 3	Staff Evaluation Objectives Summary	A management by objectives system based upon objectives written by staff members. The evaluator conducts a performance review using the Evaluation Report and the Staff Evaluation.
Supplemental	Observation Guide Professional Growth and Activity Record	All the evaluation options may be supplemented with information collected using these forms. The two data collection instruments can be used to provide an objective basis for decisions about teacher evaluation.
Dismissal or Nonrenewal Letters	Suggested forms for Dismissal or Nonrenewal	Examples of letters to be sent to the board when a staff member has not made improvement and is being recommended for nonrenewal or there is sufficient reason for immediate dismissal.
Evaluation Policy	Suggested Policy Statement and Regulations	An example of a policy statement that could be developed by a local district and approved by the local board.

OPTION 1


Teacher or Administrator is evaluated using Evalution form. Conference is scheduled with Evaluator and Staff member
Is staff member performing adequately?
No
Yes
Evaluator and staff member sign Evaluation Report
Will staff member complete a Plan for Improvement?
No
Dismissal, Teacher entitled to Due Process
Yes
File Evaluation in Personnel File
No
Does teacher want optional plan for improvement?
Yes
Conference to develop a Plan for Improvement. District assists staff member. File Evaluation and Plan
Conference to develop optional Plan for Improvement, file Evaluation Report.
On target date or at next regularly scheduled evaluation, review Plan for Improvement
At next regularly scheduled evaluation review plan.
Has staff member shown reasonable improvement?
No
Yes
Nonrenewal of contract
Write letter to Board
Extension of probation, explanation placed in file
At next regularly scheduled evaluation use Evaluation report
Plan with record of review is filed in Personnel file

_____ PUBLIC SCHOOLS

TEACHER EVALUATION

Name of Teacher _____

Teaching Assignment _____

Date of Employment _____ Date of Evaluation _____

School _____ Principal _____

The rating scale assumes that every practitioner can improve or change. In some areas activities or skills may need immediate attention, some are possible areas of growth, while in other areas activities and skills are appropriate for the present situation. All areas checked "N" must be clarified and the teacher and evaluator should agree upon a plan for improvement.

A = appropriate level of performance
G = room for growth
N = needs an immediate plan for improvement
I = information not available

Evaluator's Assessment					(Optional) Teacher's Self-Assessment			
	A	G	N	I	A	G	N	I
1. Effective planning for instruction								
2. Diagnosis of pupil's ability and achievement								
3. Presentation and explanation of subject matter								
4. Provision of stimulating classroom atmosphere								
5. Management of student behavior								
6. Maintenance of effective communication with parents								
7. Maintenance of an environment conducive to learning								
8. Personal characteristics directly related to teaching								
9. Loyalty to the school and the school system								
10. Membership on the school staff								
11. Professional preparation and growth								
12. Other items not previously included (describe)								

_____

Attach additional explanation, if necessary.

This teacher is recommended for

____ Continuance of present efforts
____ Conference to develop a Plan for Improvement for all areas marked "N"
____ Conference of teacher and superintendent, or designee, to review the above indications of unsatisfactory progress towards improvement.

_____

Signature of Evaluator

____ I have seen this evaluation report

____ I wish to attach clarification statements

____ I agree to develop a required Plan for Improvement for areas marked "N"

____ I request a conference to develop an optional Plan for Improvement for areas marked "G"

_____

Signature of Teacher

PLAN FOR IMPROVEMENT

INSTRUCTIONS: The evaluator and the professional will identify specific objectives for improvement by referring to the Criteria for Evaluation. It may be necessary to add objectives not specified in the criteria. The second step is to show how the objectives will be achieved and the target date for demonstrating improvement. The last column is used to show the degree of improvement and the date assessed.

Professional_____

Name_____

School_____ Date_____

Item No.	Objectives for Improvement	How to be Accomplished	Target Date	Definite Improvement	Some Improvement	Very Little Improvement	No Improvement	Date Assessed

Describe specific ways the district will support the plan for improvement for this individual. _____

_____

_____

_____

_____
Evaluator Signature

_____
Signature of Staff Member being evaluated

_____
Signature of Administrator if evaluator is not immediate supervisor

_____ PUBLIC SCHOOLS
CRITERIA FOR TEACHER EVALUATION

The following definitions are related to the rating scale for teacher evaluation. The items will clarify the areas for evaluation and should be used to define specific behaviors to be improved when areas are rated "N".

1. Effective planning for instruction

   a. Defines objectives for daily class work and special activities so that they will contribute to desirable outcome of learning.

   b. Plans objectives which contribute to a realization of the schools'; and the districts' goals.

   c. Allows for individual and group differences in the formulation of objectives.

   d. Knows how to make and use pupil records which will contribute to the development of or realization of objectives.

   e. Plans assignments which are clear, definite, reasonable, worthwhile and related to the objectives and the needs of individual children.

   f. Arranges for differentiated assignments to meet the needs and abilities of individual students.

   g. Organizes and summarizes evaluation data for meaningful interpretation and use in improving objectives and instruction.

2. Diagnosis of pupil's ability and achievement

   a. Evaluations are fair and impartial; they are based upon a variety of devices and procedures which give many evidences of each pupil's achievement, and informs pupils as to base of evaluation for grade.

   b. Able to administer and interpret standardized diagnostic and achievement tests in teacher's area of certification.

   c. Skillful in constructing, using and interpreting informational tests.

   d. Leads each pupil to assume an important role in the evaluation of his own growth and development.

3. Presentation and explanation of subject matter

   a. Ascertains that his explanations of subject matter are clearly understood by all of his pupils.

b. Utilizes pupil needs, interests, and experiences in conduct of instructional activities.

c. Provides opportunities in the instructional activities for practice in developing understanding and skills.

d. Selects and uses a wide variety of instructional aids which are within the limits of the school's resources.

4. Provision of stimulating classroom atmosphere

a. Teaches students how to study rather than merely exhorting them to study.

b. Insures that pupils recognize the importance of all assignments as an integral part of class work.

c. Provides for many opportunities for participation in various classroom activities by all of his pupils.

d. Teaches pupils to organize their experiences and develop meaningful relationships.

e. Provides opportunities for individual student creativity.

f. Stimulates pupils to do much sound, independent thinking and exercise judgement.

g. Makes a sincere and intelligent effort to help pupils acquire the skills of effective group membership.

5. Management of student behavior

a. Organizes daily classroom routine in such a manner that it minimizes the necessity for disciplinary action.

b. Is able to handle all but the most serious discipline problems by himself.

c. Does not introduce practices which might cause disciplinary problems for other teachers who do not use the same practices.

6. Maintenance of effective communication with parents

a. Knows each student through effective use of school records, Pupil-Personnel Services, parent-teacher conferences.

b. Makes a sincere and intelligent effort to recognize and deal with the problems of each pupil. He knows where and how to refer pupils and parents for help with problems which are beyond his scope.

c. Consistently works toward good parent-teacher relations.

d. Makes frank and honest judgements tactfully when conferring with parents and others.

e. Exhibits interest in community problems and activities.

7. Maintenance of an environment conducive to learning

a. Maintains room temperature, ventilation and lighting to insure health and comfort of all students.

b. Does everything within his power to maintain buildings, equipment and supplies in the best possible condition. He reports faulty conditions to the appropriate administrator.

c. Strives to promote positive attitudes among pupils toward the physical environment of the school.

d. Shows ways to conserve energy at school and in the community. Encourages students to develop energy sources and conservation methods.

e. Keeps reasonable accurate inventories of equipment and supplies.

f. Evaluates requests for equipment and supplies in terms of need and economy.

g. Presents complete and detailed requests for equipment, supplies and special services--Program Budget.

8. Personal characteristics directly related to teaching

a. Possesses and manifests an honest liking and sincere respect for boys and girls.

b. Possesses emotional maturity as indicated by the following:

Strives to meet frustration without losing temper.

Difficulties encountered are problems to be solved.

Strives to take criticism objectively.

Strives to be tactful, tolerant, sympathetic and courteous in his relations with students, parents and fellow employees.

c. Is well groomed and dresses appropriately for the occasion.

d. Is punctual and dependable.

e. Possesses the physical health necessary to fulfill the obligations of his job.

9. Loyalty to the school and the school system

a. Demonstrates professional and ethical attitudes toward the local school, school district and school employees.

b. Communicates to the public the positive significance of the school program.

c. Reads and abides by policies and procedures which have been adopted by the school system.

d. Is familiar with local and state adopted courses of study; adjusts teaching objectives to include such adoptions.

10. Membership on the school staff

a. Works cooperatively with and is considerate toward all school personnel.

b. Accepts and carries out in an enthusiastic manner designated share of the school activity program.

c. Is willing and able to make contributions to the improvement of the education program.

d. Effectively fits program into the total school program.

e. Gives a reasonable degree of support to those school functions with which he is not directly concerned.

f. Keeps required records in an efficient and legible manner.

11. Professional preparation and growth

a. Possesses a broad scope and an accurate knowledge of the subject matter with which his teaching is concerned.

b. Is acquainted with recent developments in the teaching of the subject with which he is concerned.

c. Understands and applies the principles of maturation as it is concerned with physical, intellectual, emotional, and social growth and development.

d. Understands and uses a variety of techniques to facilitate the learning process.

e. Continuously evaluates teaching effectiveness through self-imposed and system-developed evaluation.

5

f. Maintains ethical standards for relationships with pupils, parents, members of the profession, the school administration and the public.

g. Supports organizations and activities dedicated to the improvement of education.

12. Other items not previously included

Other items which have not previously been included, but, in the opinion of the teacher and/or evaluator are significant, should be rated here. Explain the nature of items under "Comments" on opposite side of appraisal form.

_____ PUBLIC SCHOOLS
ADMINISTRATOR EVALUATION

Name of Administrator_____

Administrative Assignment_____

School_____ Date of Evaluation_____

The rating scale assumes that every practitioner can improve or change. In some areas activities or skills may need immediate attention, some are possible areas of growth, while in other areas activities and skills are appropriate for the present situation. All areas checked "N" must be clarified and the administrator and evaluator should agree upon a plan for improvement

A = appropriate level of performance
G = room for growth
N = needs an immediate plan for improvement
I = information not available

Evaluator's Assessment					(Optional) Administrator's Self-assessment			
	A	G	N	I	A	G	N	I
1. Provides leadership and supervision for instruction								
2. Maintains productive relationship with staff								
3. Provides leadership for students								
4. Resourceful in coping with problems								
5. Efficiently organizes school operation								
6. Actively promotes positive community relations								
7. Continues professional development								
8. Provides leadership for innovations								
9. Maintains facilities conducive to learning								
10. Has personal characteristics related to school administration								
11. Maintains productive relationship with Board of Education (for Superintendents only)								
12. Other items not previously included (describe)								

_____
Attach additional explanation, if necessary.

This administrator is recommended for:

____ Continuation of present efforts
____ Conference to develop a Plan for Improvement for all areas marked "N"
____ Conference of teacher and superintendent or designee to review the above indications of unsatisfactory progress toward improvement.

_____
Signature of Evaluator

____ I have seen this evaluation report.
____ I wish to attach clarification statements
____ I agree to develop a required Plan for Improvement for areas marked "N"
____ I request a conference to develop a voluntary Plan for Improvement

_____
Signature of Administrator

_____ PUBLIC SCHOOLS

PLAN FOR IMPROVEMENT

INSTRUCTIONS: The evaluator and the professional will identify specific objectives for improvement by referring to the Criteria for Evaluation. It may be necessary to add objectives not specified in the criteria. The second step is to show how the objectives will be achieved and the target date for demonstrating improvement. The last column is used to show the degree of improvement and the date assessed.

Professional_____

Name_____

School_____ Date_____

Item No.	Objectives for Improvement	How to be Accomplished	Target Date	Definite Improvement	Some Improvement	Very Little Improvement	No Improvement	Date Assessed

Describe specific ways the district will support the plan for improvement for this individual. _____

_____

_____

_____

_____
Evaluator Signature

_____
Signature of Staff Member being evaluated

_____
Signature of Administrator if evaluator is not immediate supervisor

_____ PUBLIC SCHOOLS

CRITERIA FOR ADMINISTRATOR EVALUATION

1. Provides leadership and supervision for instruction

   a. Helps staff develop meaningful goals for the school.

   b. Assists teachers in establishing meaningful goals, objectives, and evaluation procedures.

   c. Assists teachers in evaluating their methods and materials.

   d. Regularly visits classrooms.

   e. Assists and encourages teachers to adjust their educational program to meet individual pupil needs and abilities.

   f. Assists teachers in using community resources in their instructional program.

   g. Assists teachers in providing a classroom atmosphere conducive to good learning situations.

   h. Assists teachers in developing satisfactory growth in basic skills for all pupils.

   i. Systematically supervises and evaluates teacher utilization of teaching supplies and care of equipment and facilities.

   j. Abides by District policy and philosophy in work and activities.

   k. Provides leadership and assists in the development of philosophy, policy, and curriculum in school.

2. Maintains productive relationship with staff

   a. Stimulates staff participation in all phases of the operation for which he is responsible.

   b. Maintains positive and equitable performance appraisal procedures for staff. Uses tact in its administration.

   c. Maintains a respect for the dignity of all the individuals concerned in disciplinary action.

   d. Provides staff members security and freedom to do good work.

   e. Works with staff in cooperatively establishing fair and equitable teaching and non-teaching responsibilities.

   f. Develops staff morale which supports staff members so they feel successful and identify with the school effort.

   g. Provides opportunities for selected professional development experiences for staff.

3. Provides leadership for students

   a. Administers discipline with student learning rather than punishment as the objective.

   b. Aids students in developing responsibility for their own conduct.

   c. Encourages students to assume responsibility for the behavior of their peers and the neatness of their school.

   d. Encourages pupils to respect the rights, properties, and opinions of others.

   e. Understands and respects students as individuals.

   f. Encourages in students an appreciation for their civil rights and responsibilities of our democratic institutions.

   g. Encourages the development of student behavior based on a sense of moral and spiritual values.

4. Resourceful in coping with problems

   a. Anticipates problems.

   b. Supports staff in conflict situations.

   c. Involves students and staff in developing and maintaining reasonable standards of conduct.

   d. Assumes leadership in solving school problems.

   e. Helps teachers understand the sources of important problems they are facing.

   f. Has the relevant facts before making important decisions.

5. Efficiently organizes school operation

   a. Provides clear and consistent written and oral directions.

   b. Minimizes classroom interruptions.

   c. Plans and holds staff meetings only as needed.

   d. Does not require unnecessary paperwork.

   e. Administers attendance policies.

   f. Assumes responsibility for health and safety of students in the school.

   g. Is willing to make decisions which may be unpopular yet be best for the overall program.

3

6. Actively promotes positive community relationships

   a. Provides opportunities for community members to become involved in school activities.

   b. Solicits input from the community to develop goals for the school.

   c. Makes use of educational resources from the community.

   d. Constructively interprets the school program and the policies to the community.

   e. Keeps the community informed concerning the school program.

   f. Encourages teachers to maintain communications with parents.

7. Continues professional development

   a. Uses ideas from professional magazines and bulletins.

   b. Attends and contributes to professional meetings.

   c. Takes advantage of opportunities for professional growth that are available beyond the requirements of the District.

8. Provides leadership for innovations

   a. Develops projects to focus on special problems.

   b. Supports teachers who systematically plan innovative projects and techniques.

   c. Plans carefully the goals, objectives and evaluation of new projects and procedures.

   d. Makes decisions about continuation based on evaluation information.

   e. Is receptive to new ideas.

9. Maintains facilities conducive to learning

   a. Provides for availability of supplies and equipment.

   b. Maintains neat, attractive office.

   c. Effectively maintains plant with the resources available.

   d. Maintenance and utility costs of buildings compare favorably with like schools in the area.

   e. Encourages students to show school pride in the buildings and school.

   f. Leads the school or office in economical use of materials and supplies.

10. Has personal characteristics related to school administration

    a. Exercises administrative discretion in a manner which is not arbitrary, capricious, unfair or unreasonable.

    b. Shows respect, concern, and warmth for others and an understanding of individual problems of both students and adults.

    c. Attempts to correct personal habits and mannerisms which detract from effective leadership.

    d. Enthusiastic about the school.

    e. Accepts constructive criticism profitably.

    f. Gives full consideration to majority and minority opinions.

    g. Shows initiative required of an administrator.

11. Maintains productive relationship with Board of Education (for Superintendents only)

    a. Board members are kept fully and accurately informed about the school program.

    b. Notices and detailed explanations are sent well in advance of special and regular board meetings.

    c. Accurate financial accounting of all school monies is given at every regularly scheduled board meeting.

    d. Works with the board members to develop and maintain the currency of a school board policies manual.

    e. Makes effort to nominate fully qualified candidates for appointment to the school staff.

    f. Keeps the board members informed on all new legislation affecting education.

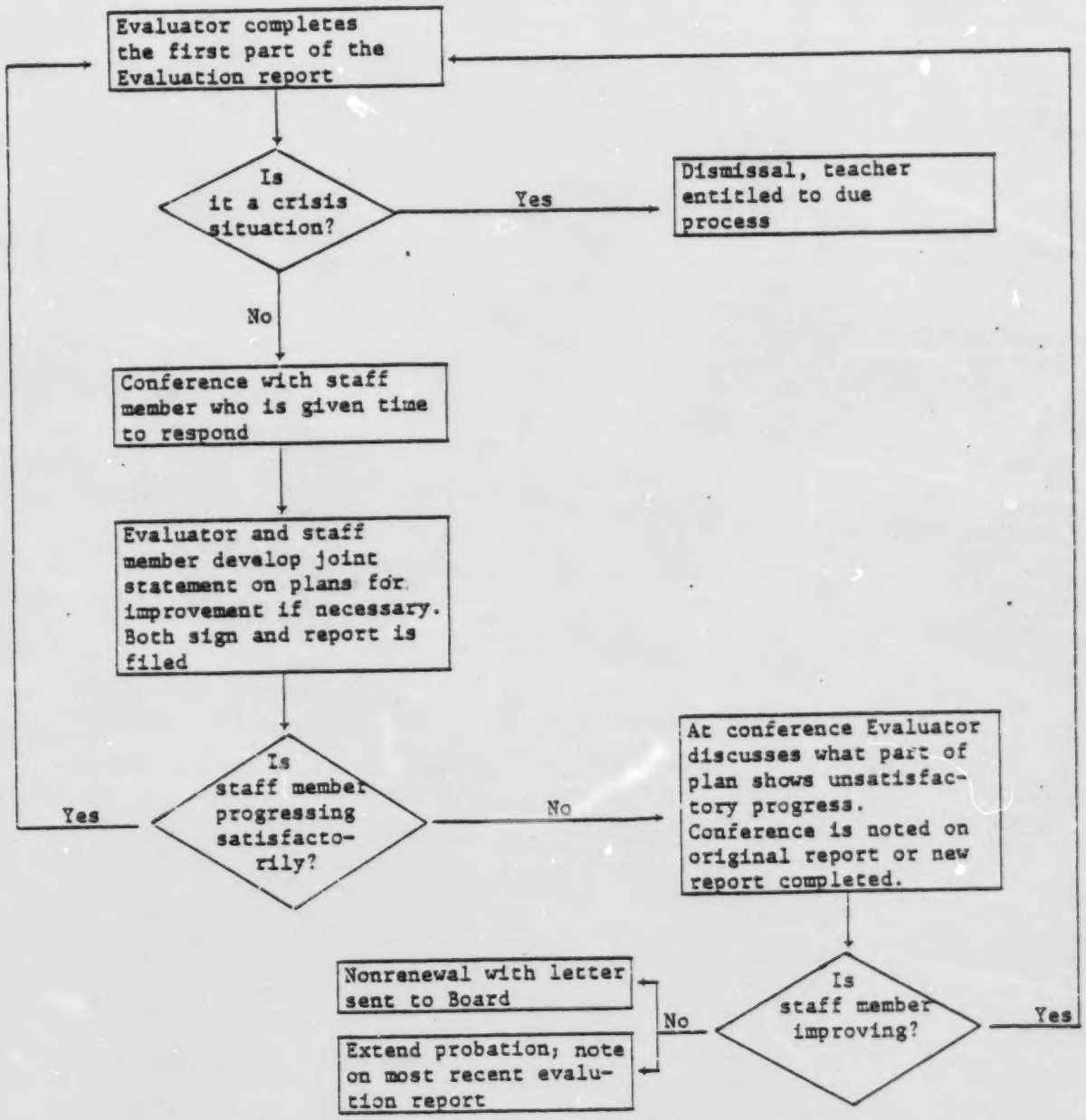
    g. Keeps the board members informed of new innovations in education.

    h. Works with board members to develop a policy for systematic evaluation of the performance of all school staff.

12. Other items not previously included

    Other items which have not previously been included, but, in the opinion of the administrator and/or evaluator are significant, should be rated here. Explain the nature of items under "Comments" on opposite side of appraisal form.

OPTION 2


Evaluator completes the first part of the Evaluation report
Is it a crisis situation?
Yes
Dismissal, teacher entitled to due process
No
Conference with staff member who is given time to respond
Evaluator and staff member develop joint statement on plans for improvement if necessary. Both sign and report is filed
Is staff member progressing satisfactorily?
Yes
No
At conference Evaluator discusses what part of plan shows unsatisfactory progress. Conference is noted on original report or new report completed.
Is staff member improving?
Yes
No
Nonrenewal with letter sent to Board
Extend probation; note on most recent evaluation report

_____ PUBLIC SCHOOLS
Staff Evaluation

Name _____ Position _____

School _____ Date of Evaluation _____

Date of Employment _____

Comments of Evaluator including strengths and areas for improvement.

Statement of staff member, may be concurrence, clarification, or disagreement.

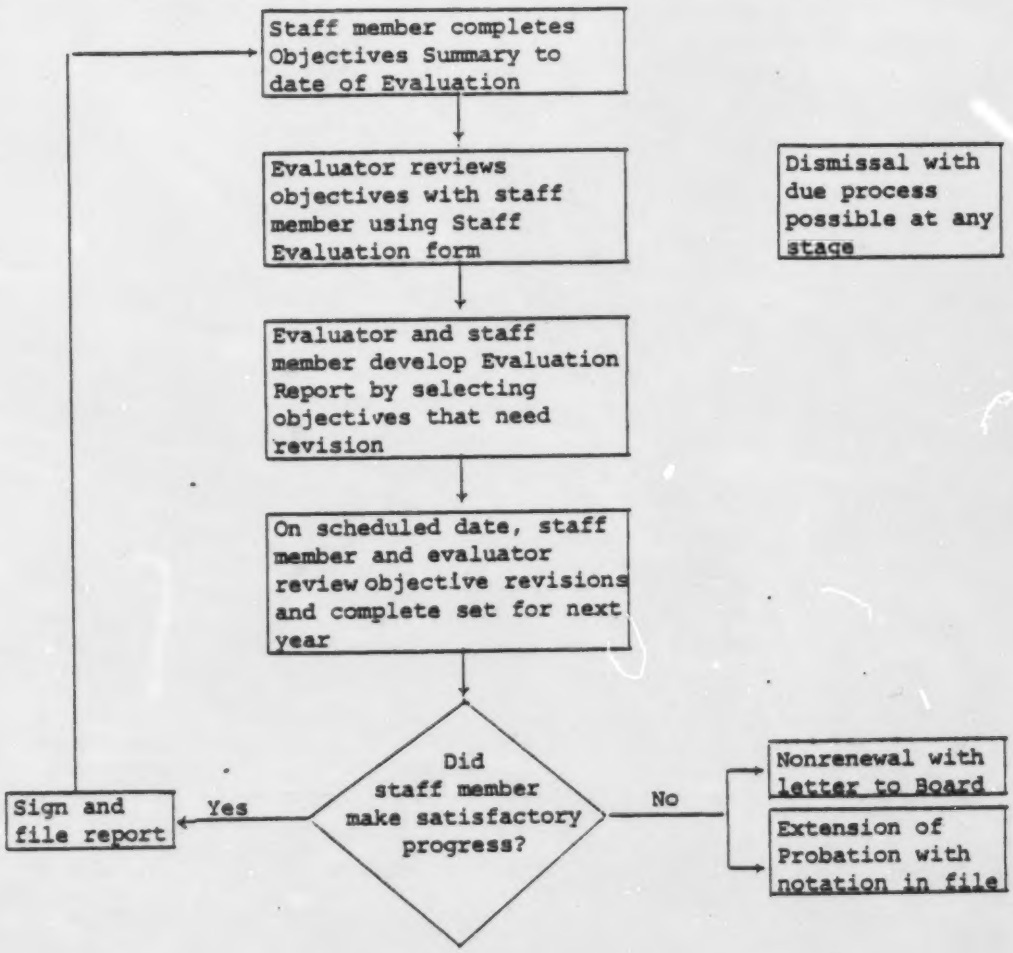
Statement of Consensus including plan for improvement if needed.

_____ _____

Signature of Evaluator

Signature of staff member being evaluated

OPTION 3


Staff member completes Objectives Summary to date of Evaluation
Evaluator reviews objectives with staff member using Staff Evaluation form
Evaluator and staff member develop Evaluation Report by selecting objectives that need revision
On scheduled date, staff member and evaluator review objective revisions and complete set for next year
Did staff member make satisfactory progress?
Yes
Sign and file report
No
Nonrenewal with letter to Board
Extension of Probation with notation in file
Dismissal with due process possible at any stage

_____ PUBLIC SCHOOLS

STAFF EVALUATION

Name_____Assignment_____

School_____Date of Employment_____Date of Evaluation_____

Activities	Checkpoints	Comments
Conference to review Objectives (Use Objectives Summary)	Are objectives comprehensive...	
	Cover all assigned instructional areas?	
	Cover other duties and responsibilities?	
	Cover new projects and innovations?	
	Relate to school goals?	
	Has achievement of objectives been evaluated?	
	Have objectives needing improvement been identified?	
Planning for Improvement (Use Evaluation Report)	Has reason for non-achievement been stated?	
	Have plans for improvement been developed?	
	Were new objectives developed to cover new responsibilities or those not covered in the original set of objectives?	
	Have commitments been made by the district for supporting the staff member's efforts?	

This staff member is recommended for:

____ Continutation of present efforts.
____ Review of plans for improvement on (date)_____.
____ Conference of teacher and superintendent or designee to review the above indications of unsatisfactory progress toward improvement.

_____
Signature of Evaluator

____I have seen this evaluation report.

____I agree to implement the plans for improvement.

____I wish to attach clarification statements.

____The evaluator and I have worked together on the plans for improvement.

_____
Signature of Staff Member

_____PUBLIC SCHOOLS
Objectives Summary

Name _____ Date _____

Class _____ School _____

Objective	Measurement	Evaluation Information	Evaluation Decision

_____ PUBLIC SCHOOLS

EVALUATION REPORT

Name_____ Class_____ School_____ Date_____

Number of Objective Not Achieved	Reason for Non-Achievement	Plan for Improvement	Support from District
(Note number and briefly state objective)			
Example:			
4.2 Reading Comp.	Students were scheduled during a period frequently missed because of assembly.	Objective remains same, scheduling changed	Principal will change schedule.
3.1 Oklahoma History	Presentation by teacher was poor because of lack of preparation.	Objective remains same, teacher agrees to spend more time in preparation.	Principal will provide planning time.
12.2 Geography	Expectations were too high; students had no preparation in physical geography.	Students will learn map reading skills as evidenced by their ability to identify places in geography units (replaces "use map skills to show flow of goods and services").	Social studies staff will meet to consider articulation problems.

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Option 3
Page 3

_____ PUBLIC SCHOOLS
CLASSROOM OBSERVATION GUIDE AND INSTRUMENT[1]

Teacher_____School_____

Grade_____Level_____Subject_____School Year 19__19___

Time of Observation_____to_____ Number of pupils in class_____

Date_____

_____ _____
Teacher's Signature* Observer's Signature

*This signature does not indicate agreement or satisfaction with the recorded statements of the observer.

ACTIVITIES OBSERVED	
Time	Activity

[1]This form was developed and used by the Oklahoma City Public Schools. Published September, 1970.

It is important to note that this is a data collection instrument used to gather information. There is no provision for evaluation. The observer should list actual behavior as it was observed; for example, in response to Item 10 "Mrs.____ had students put their best work on the bulletin board" is preferable to "Mrs.____ complimented the students." A second form or additional items would be needed to allow the observer to evaluate or judge the performance, thus this guide could be used as a supplement for any of the three options.

Circumstances beyond control of the teacher that influenced learning (class just returned from fire drill, etc.)_____

_____

_____

1. KNOWLEDGE OF SUBJECT MATTER

   a. Do the oral and/or written responses by the pupils indicate an understanding of the teacher's explanation and the subject or lesson under discussion?_____

   _____

   _____

   b. Does the teacher guide the pupils to an understanding of the underlying causes for events and phenomena associated with the subject area?_____

   _____

   _____

   c. Does the teacher show interrelationships between his and other subject matter fields?_____

   _____

   _____

   d. Are new developments, new publications, or community resources in the field of study introduced by the teacher?_____

   _____

   _____

2. MOTIVATION OF PUPILS

   a. Are all pupils in the classroom ready to work when the class or activity is supposed to begin?_____

   _____

   _____

   b. Are the pupils interested and absorbed in the activity of the group or class, and do they ask questions and/or express ideas about the subject matter under discussion?_____

   _____

   _____

   c. Do the pupils seek additional aid from the class library and/or supplementary sources? Do they report voluntarily on outside investigations and/or observations?_____

   _____

   _____

d. Does the teacher move among the pupils and groups to check their progress?_____

e. Does the teacher recognize and use opportunities for impromptu teaching by utilizing pupil backgrounds, experiences, interests, and current events in developing learning experience?_____

f. Does the teacher show appreciation for any job well done?_____

3. ORGANIZATION OF CLASSWORK

a. What evidence is there that the teacher formulates adequate class plans?_____

b. What evidence is there that pupils participate in class planning?

c. What teaching methods and materials are in use in the classroom?

d. What attempts are made by the teacher and pupils to make the physical conditions of the room conducive to learning?_____

4. PUPIL CONTROL

a. Do the pupils show that they take responsibility seriously by exhibiting cooperation and acceptable behavior? Do the pupils show respect for the teacher?_____

b. Are pupils allowed to move about the room as needed to secure equipment or materials?_____

c. What methods are used in handling pupil irregularities such as tardiness, lack of material, behavior problems, etc.?_____

5. TEACHER-PUPIL RELATIONSHIPS

a. What evidence is there of teacher guidance for classroom interaction and rapport?_____

6. PROVISION FOR INDIVIDUAL NEEDS AND ABILITIES

a. Does the teacher provide for the pupil with specific difficulties, and what evidence is there that the teacher is differentiating instruction for groups or individuals?_____

b. Are pupils able to do individual assignments with only a minimum amount of additional help?_____

c. What leadership opportunities are provided for the pupils?_____

7. PERSONAL FACTORS

a. Example: Appearance, grammar, speaking voice, etc.

PROFESSIONAL GROWTH AND ACTIVITY RECORD*
(Covers a one-year period from June 1st to June 1st of the current year)

Teacher_____ School_____

Grade_____ Subject_____ School Year 19__ 19__

1. In-Service Training:

A. Formal	Institution	Semester Hours
B. Informal	Area Covered	Clock Hours

2. Work on system-wide committees:

3. Work on local school committees:

4. Extracurricular activities and supervisory responsibilities:

5. Membership and office in professional education organization:

6. Activities other than the above which you feel have contributed to your effectiveness in teaching:

7. In the space provided, or on another sheet of paper, please describe:

   a. The kind of help which you have received this year and which you found to be available.

   b. The kind of additional help which you feel would be most likely to improve the quality of your work.

   c. The suggestions you would make for the improvement of administration and/or supervision on either a system-wide or local school basis.

   d. The suggestions you would make for the improvement of the appraisal system.

---

*The purpose of this instrument is to collect information to be used in teacher evaluation. It is an optional form to be used in addition to observations and informal data collection to make evaluation decisions. It might be used as a supplement for any of the three options.

This form was developed and used by the Oklahoma City Public Schools. Published September, 1970.

_____ PUBLIC SCHOOLS

STAFF EVALUATION POLICIES AND PROCEDURES

(Date)

The staff evaluation committee has reviewed the district personnel policies, and the State Board of Education Guidelines relative to developing an evaluation system consistent with Oklahoma law 70 O.S. 6-103, Supp. 1977. The committee has also reviewed evaluation forms and procedures used by other school systems to identify promising practices.

The committee respectfully submits a statement of policy, a set of procedures, criteria and evaluation instruments to the Board of Education of _____ School District for their consideration and adoption.

COMMITTEE MEMBERS

_____ Teacher (selected by teachers)
_____ Teacher (selected by teachers)
_____ Teacher (selected by teachers)
_____ Teacher (selected by teachers)
_____ Counselor
_____ Principal
_____ Central Office
_____ Superintendent

_____ SCHOOL DISTRICT

BOARD OF EDUCATION

POLICY OF STAFF EVALUATION

In _____ School district evaluation is defined as a mutual endeavor among all staff members and the Board of Education to improve the quality of the educational program. The school district and the individual educator jointly accept the responsibility for the improvement of efforts to educate the students in our district. All staff members are expected to perform well in relation to their job descriptions, statements of objectives and approved performance criteria. Evaluation is a system for documenting the criteria and the evidence of achievement by staff members.

The Board of Education of _____ School District No. ____, _____, Oklahoma, hereby adopt an evaluation policy, procedures, criteria, and instruments for all certificated employees in compliance with 70 O.S. 6-102.2, 6-103, Supp. 1977 - 1980.

The performance of all certificated staff members will be evaluated using the criteria submitted by the evaluation committee and approved by the Board of Education. Each evaluation shall be based upon the evaluator's actual observation of the person being evaluated while performing his job function. The Superintendent will be evaluated by the Board of Education; principals and other administrators will be evaluated by the Superintendent; and teachers and other nonadministrative staff will be evaluated by the principals as provided by law.

Beginning with the _____ school year, every probationary staff member will be evaluated once prior to November 15, once prior to February 10 and each year thereafter. Every tenured staff member or administrator will be evaluated once every three years.

Evaluation reports will be completed on an approved evaluation form and be followed by a conference between evaluator and staff members. The form will be signed by both. If the evaluator recommends a plan for improvement, a plan will be developed by the evaluator and staff member. The plan will include a statement indicating how the district will assist with the improvement efforts.

The evaluation report and plan for improvement, if one is developed, will be filed in the staff member's personnel file. The file is accessible to the staff member, the Board of Education, the evaluator, administrative staff to which the staff member applies for employment, and only those others designated by the teacher.

The Board of Education will consult with a committee representing teacher, administrators, and nonteaching staff. The committee will advise on the development of policy and be involved in the development or selection of procedures, criteria, and instruments for staff evaluation. These will

be submitted for Board review and approval. The superintendent will serve on the committee and will be responsible for disseminating a copy of the approved evaluation policy, procedures, criteria, and instruments to all staff members.

The procedures, criteria, instruments and process of evaluation will be subject to continuous review and appraisal by the Board of Education. As they are approved, copies of all amendments and changes will be provided to staff members. Any legislative act, State Department ruling, or court decision which makes any part of this policy unlawful will in no way make inactive the rest of this policy.

Witness _____
Teacher

Witness _____
Administrator

Witness _____
Board Member

Approved by the _____ Board of Education this _____ day of _____, 19__.

Signed _____
President

Subscribed and sworn to before me on this ____ day of _____ 19__.

_____
Notary Public, or Municiapl Clerk

My commission expires _____ 19__.

APPENDIX D

Form A Letter of Recommendation for Nonrenewal of Contract - Tenured Teachers

Form B Letter of Recommendation for Dismissal of Tenured Teachers

Form C Letter of Recommendation for Nonrenewal of Contract - Probationary Teachers

Form D Letter of Recommendation for Dismissal of Probationary Teachers

Form E Letter of Notice of Personnel Action for Tenured Teachers

Form F Letter of Notice of Personnel Action for Probationary Teachers

LETTER OF
RECOMMENDATION FOR NONRENEWAL OF CONTRACT
(Tenured Teacher)

M _____
President of the Board
_____ Board of Education
Street/Post Office Box No.
City/State/Zip Code

Dear M _____:

I, (name of superintendent), Superintendent of (name of School District) Public School, School District No. _____, recommend that the teaching contract for (name of teacher), teacher in this school district, not be renewed for the school year 19 __ - 19 __ on the statutory ground(s) of (immorality, willful neglect of duty, etc. _____).

This recommendation is supported by facts gathered in teacher evaluations conducted during this school year and the teacher's failure to improve after our efforts toward remediation. These causes are documented and are available from (teacher's name) personnel file.

Sincerely yours,

(Superintendent)

jj

Form A

LETTER OF
RECOMMENDATION FOR DISMISSAL
(Tenured Teacher)

M _____
President of the Board
_____ Board of Education
Street/Post Office Box No.
City/State/Zip Code

Dear M _____:

I, (name of superintendent), Superintendent of (name of school district) Public School, School District No. _____, recommend that (name of teacher), teacher in _____ school, be dismissed from duties from said school district as of (day and time).

This recommendation for dismissal is made on the statutory ground(s) of (immorality, willful neglect of duty, etc. _____) on the party of said teacher, which reasons are documented in the personnel file of (name of teacher).

Sincerely yours,

(Superintendent)

jj

Form B

LETTER OF RECOMMENDATION FOR NONRENEWAL OF CONTRACT
(Probationary Teacher)

M _____

President of the Board
_____ Board of Education
Street/Post Office Box No.
City/State/Zip Code

Dear M _____ :

I, (name of superintendent), Superintendent of (name of school district) Public Schools, School District Number ____, recommend that the teaching contract for (name of teacher), teacher in this school district, not be renewed for the year 19__ - 19__. This recommendation is based upon our teacher evaluations conducted during this school year and the teacher's failure to improve after our efforts toward remediation. These causes are documented and are available from (teacher's name) personnel file.

Sincerely yours,

(Superintendent)

jj

Form C

LETTER OF RECOMMENDATION FOR DISMISSAL
(Probationary Teacher)

M _____

President of the Board
_____ Board of Education
Street/Post Office Box No.
City/State/Zip Code

Dear M _____ :

I, (name of superintendent), Superintendent of (name of school district) Public schools, School District Number ____, recommend that (name of teacher), teacher in _____ school, be dismissed from duties from said school district as of (day and time). This recommendation is based upon (give reason for request action).

Sincerely yours,

(Superintendent)

jj

Form D

LETTER OF
NOTICE OF PERSONNEL ACTION
FOR TENURED TEACHERS

M ___(Teacher)___
___ School District
Street/Post Office Box No.
City/State/Zip Code

Dear M _____:

In a regularly constituted meeting of the _____ Board of Education on (month, day, year) the Board took action upon the recommendation of Superintendent (name of superintendent) for your (dismissal or nonrenewal of contract). The Board, upon a majority vote, decided to (dismiss you of (date and time) or not renew your contract for the 19 - 19 school year) on the statutory ground(s) of (immorality, willful neglect of duty, etc.).

You have the right to have a due process hearing before a hearing panel under the jurisdiction of a judge whom you will have the opportunity to choose in agreement with a representative of the Board and you will also have the opportunity to choose one other person to sit with the judge and advise him on educational matters. To obtain this hearing you must notify the Clerk of the Board, (name of clerk), within ten (10) days of receipt of this notice that you desire to have a hearing. Failure to notify the clerk within the ten-day period shall mean that you have waived any rights to a hearing and the decision of the Board shall be final.

If you request a due process hearing you will be notified as to the date, time and place of the hearing and will be given a reasonable time to prepare for the hearing.

Sincerely yours,

(Clerk of the Board)

jj

Form E

LETTER OF
NOTICE OF PERSONNEL ACTION
FOR PROBATIONARY TEACHERS

M ___(Teacher)___
_____ School District
Street/Post Office Box
City/State/Zip Code

Dear M _____ :

In a regularly constituted meeting of the _____ Board of Education on (month, day, year) the Board took action on the recommendation of Superintendent (name of superintendent) for your (dismissal or nonrenewal of contract). The Board, upon a majority vote, decided to (dismiss you as of (date and time) or not renew your contract for the 19 - 19 school year) for the reason of _____.

You have the right to a due process hearing before the (name of district) Board of Education. You have ten (10) days from receipt of this notice to request a hearing . The request should be made to the clerk of the Board, (name of clerk). Your failure to notify the clerk of your desire to have a due process hearing will mean that you have waived the right to the hearing and the decision will be final and nonappealable.

If you request a due process hearing you will be notified as to the date, time and place of the hearing and will be given a reasonable time to prepare for the hearing.

Sincerely yours,

_____
Clerk of the Board

jj

Form F

APPENDIX E

Form A. Information for the Use of Restricted Delivery Mail in Conjunction with Certified Mail

INFORMATION FOR THE
USE OF RESTRICTED DELIVERY MAIL IN
CONJUNCTION WITH CERTIFIED MAIL

Section 221 of Title 25 of the Oklahoma Statutes directed that "Certified Mail, Return Receipt Requested" could be used in lieu of registered mail and would be in full compliance with Oklahoma law for all purposes, including notice by mail. Because of the introduction of restricted delivery service and the elimination of "Deliver to Addressee Only" and "Deliver to Addressee or Order" endorsements, it is believed that the term "Restricted Delivery" might be added to existing statutory language to insure that complete and proper notice, in compliance with constitutional and statutory guidelines, may be had when the mails are used for such purposes.

Restricted delivery, like "Return Receipt Requested", is an additional service of the postal service, and can only be used in conjunction with other services such as registered or certified mail. Restricted delivery is available only for articles addressed to natural persons specified by name. The purpose of this service is to provide a means by which a mailor may direct that delivery be made only to the addressee or to an officially authorized agent of the addressee. The use of the terms "Deliver to Addressee Only" and "Deliver to Addressee or Order" are obsolete and restricted delivery is not used in lieu of those services.

The fee for restricted delivery is $1.00 and, depending on the type of return receipt requested, the cost of an article sent by certified mail, return receipt requested, restricted delivery would be:

Postage	.20
Certified Mail Fee	.75
Restricted Delivery Fee	1.00
Return Receipt	
A. To Whom and Date Delivered, or	.60
B. To Whom, Date and Address Where Delivered	.70

Total Cost For: A. = 2.55 B. = 2.65

Because of the requirement of delivery to "Natural Persons", any mail directed to a partnership, association, or corporation, except where postal regulations provide otherwise, would need a specific individual named thereon as addressee.

Zip Plus 4 Codes are preferred by the United State Post Offices. The system is designed to reduce the costs and improve postal efficiency, consistency, and accuracy.

APPENDIX F

Preliminary Hearing Forms

Form A. Request for Hearing Forms

Form B. Sample Letter of Response

Form C. List of Oklahoma Attorneys

85

REQUEST FOR HEARING

TO: Leslie R. Fisher, State Superintendent
Attention: Winona Wettengel, Secretary
State Board of Education, Room 1-70
Oliver Hodge Memorial Education Building
Oklahoma City, Oklahoma 73105

FROM: _____

_____

Name of Party Appealing _____

Home Address _____

City _____ Telephone _____

Name of School _____

District No. _____ Telephone _____

Address _____ City _____

Superintendent's Name _____

Home Address _____

City _____ Telephone _____

Grounds for Dismissal ☐ or Nonreemployment ☐

_____

_____

PLEASE SUBMIT NAMES OF TWENTY-ONE (21) ATTORNEYS SO THAT A HEARING JUDGE MAY BE SELECTED.

_____ _____
Date Signature of Clerk

FORM A

OKLAHOMA STATE BOARD OF EDUCATION

Oliver Hodge Building • 2500 N. Lincoln Blvd. • Oklahoma City, Oklahoma 73105 • (405) 521-3308

SAMPLE LETTER

LESLIE FISHER
State Superintendent
of Public Instruction
President of the Board

Members
E. L. COLLINS
Idabel

R.E. CARLETON
Purcell

BARBARA JOHNSON
Owasso

SEAY SANDERS
Midwest City

HARRY SHACKELFORD
Laverne

C. B. WRIGHT
Stroud

Executive Secretary
WINONA WETTENGEL

DATE

Name*
Name of School District
City _____, Oklahoma _____

Dear _____,

In reply to your request of (Date), for a hearing in the matter of (Name of Teacher), a tenured teacher, we are attaching a list of name and addresses of twenty-one (21) Oklahoma attorneys with trial experience from at least three (3) geographic areas.

After you and the other party have selected a hearing judge, according to the process outlined in Section IX-B of the State Board Policy Bulletin and Guide, please agree on having one party make a telephone call to this office and we will notify the judge immediately of your selection.

Very truly yours,

STATE BOARD OF EDUCATION
Leslie Fisher, President
By:

(Mrs.) Winona Wettengel
Executive Secretary

jj

Attachment

cc:**

* To be addressed to the party requesting the hearing:

** Copies are mailed to both parties and their representatives.

Form B

NAMES AND ADDRESSES OF THE

HEARING OFFICER LIST

1. _____
_____
_____

2. _____
_____
_____

3. _____
_____
_____

4. _____
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5. _____
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17. _____
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18. _____
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19. _____
_____
_____

20. _____
_____
_____

21. _____
_____
_____

APPENDIX G

Instructions And Forms For Computing Cost Of Hearing

Form A. Application for Compensation and Travel Expenses for Hearing Judge

Form B. Application for Compensation and Travel Expenses for Hearing Panel

Form C. Instructions for Making Out Travel Voucher

Form D. Summary of Hearing Expenses

Form E. Statement of Hearing Expenses

APPLICATION FOR COMPENSATION AND TRAVEL EXPENSES FOR HEARING JUDGE

NAME: _____ DATE: _____

SOCIAL SECURITY NUMBER _____

Please file my claim for compensation and travel expenses as follows:

COMPENSATION:

Total hours _____ @ $ 40.00 per hour _____

Total days _____ @ $250.00 per day _____
(Not to exceed $250.00 per day.)

$ _____

PER DIEM: (See Chart on Form C)

Travel Status Began: Date_____ Hour _____AM/PM
Travel Status Ended: Date_____ Hour _____AM/PM

Total Time _____

Number of quarter days _____ @ 4.50 per quarter $ _____
($18.00 per day)

MILEAGE: (Use Map Mileage)

Travel From: _____

To: _____

and Return _____

Mileage _____

Vicinity _____

Total Mileage _____ @ $ .22 $ _____

LODGING:

Number of nights in travel status _____ @ $28.00 per night.*
(Receipts must be attached for lodging)

TOTAL AMOUNT CLAIMED $ _____

SIGN: _____

Note: You must be in travel status more than three hours in any quarter and for a minimum of twelve hours in order to claim per diem. Lodging cannot exceed $ 28.00 per night. *See details and exceptions on page 19.

APPLICATION FOR COMPENSATION AND TRAVEL EXPENSES FOR HEARING PANEL MEMBERS

NAME: _____ DATE: _____

SOCIAL SECURITY NUMBER _____

Please file my claim for compensation and travel expenses as follows:

ALLOWANCE:

Total days _____ @ $ 25.00 per day $ _____
(Note: $ 25.00 per day or any part of a day and amount equal to fee for substitute teacher)

SALARY PAID FOR SUBSTITUTE WHILE SERVING:

Total Days _____ @ _____ per day $ _____

PER DIEM: (See Chart on Form C)
Travel Status Began: Date _____ Hour _____ AM/PM
Travel Status Ended: Date _____ Hour _____ AM/PM

Total Time _____

Number of quarter days ____ @ 4.50 per quarter ($ 18.00 per day) $ _____

MILEAGE: (Use Map Mileage)

Travel From: _____
Travel To: _____
And Return: _____

Mileage _____

Vicinity _____

Total Mileage _____ @ $. 22 $ _____

LODGING:

Number of nights in travel status _____ @ $28.00 per night. *
(Receipts must be attached for lodging.)

TOTAL AMOUNT CLAIMED $ _____

SIGNED _____

NOTE: You must be in travel status more than three hours in any quarter and for a minimum of twelve hours in order to claim per diem. Lodging cannot exceed $28 per night. Attach all receipts to this summary and submit to the hearing judge as soon as possible. *See page 19.

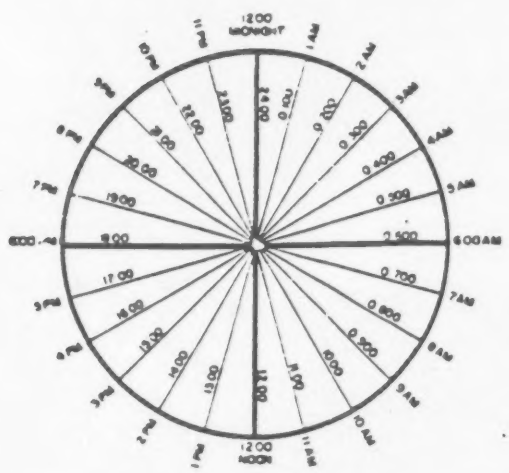
INSTRUCTIONS FOR MAKING OUT TRAVEL VOUCHER

In computing the per diem in lieu of subsistence, a calendar day shall be from midnight to midnight. At the commencing and ending of travel, one-fourth (¼) of the rate of a calendar day shall be allowed for each period of six (6) hours, or fraction thereof. Per diem shall commence at the time the traveler enters a travel status, and shall end at the time of his return to a non-travel status.

Time of entering travel status and the time of ending travel status may be shown on the claim in standard time of twenty-four hour clock time as used by the military forces; for example, beginning at 12:00 o'clock midnight, 1:32 a.m. would be shown as 0132; 11:30 a.m. would be shown as 1130; 1:00 p.m. would be shown as 1300; 9:00 p.m. would be shown as 2100; 9:36 p.m. would be shown as 2136, etc.

IN-STATE TRAVEL PER DIEM
For Trips of LESS than 24 Hours

Under 12 Hours	$ 0.00
12 Hrs.	9.00
13 Hrs.	9.00
14 Hrs.	9.00
15 Hrs.	9.00
15+.	13.50
16 Hrs.	13.50
17 Hrs.	13.50
18 Hrs.	13.50
19 Hrs.	13.50
20 Hrs.	13.50
21 Hrs.	13.50
21+ Hrs.	18.00
22 Hrs.	18.00
23 Hrs.	18.00
24 Hrs.	18.00



IN-STATE TRAVEL PER DIEM
For Trips of MORE than 24 Hours

$18.00 per day plus amount listed below:

1 Hr	$ 0.00
2 Hrs.	0.00
3 Hrs.	0.00
3+ Hrs.	4.50
4 Hrs.	4.50
5 Hrs.	4.50
6 Hrs.	4.50
7 Hrs.	4.50
8 Hrs.	4.50
9 Hrs.	4.50
9+ Hrs.	9.00
10 Hrs.	9.00
11 Hrs.	9.00
12 Hrs.	9.00
13 Hrs.	9.00
14 Hrs.	9.00
15 Hrs.	9.00
15+ Hrs.	13.50
16 Hrs.	13.50
17 Hrs.	13.50
18 Hrs.	13.50
19 Hrs.	13.50
20 Hrs.	13.50
21 Hrs.	13.50
21+ Hrs.	18.00
22 Hrs.	18.00
23 Hrs.	18.00
24 Hrs.	18.00

SUMMARY OF HEARING EXPENSES

Name: _____ Address: _____

Social Security No._____ _____

COMPENSATION:
(preparation, hearing, written report, closing accounts)

_____hrs./days @ _____per hr./days. . . . . .$_____

SALARIES FOR SUBSTITUTES:

_____days @ _____per day. . . . . .$_____

COURT REPORTER:

Appearance	_____days	@	_____per day . .	$_____
Transcription	_____pages	@	_____per page. .	_____
Extra Copies	_____	@	_____	_____
Other	_____	@	_____	_____
			TOTAL.	.$_____

SECRETARY/TAPE RECORDING:

Appearance	_____hrs.	@	_____per hr. . .	$_____
Minutes	_____hrs.	@	_____per hr. . .	_____
Tape(s)	_____	@	_____each. . . .	_____
Transcription	_____pages	@	_____per page. .	_____
Other	_____	@	_____	_____
			TOTAL.	.$_____

TRAVEL EXPENSES:

Total on Form A	$_____
Total on Form B	_____
Total on Form B	_____
TOTAL.	.$_____

MISCELLANEOUS EXPENSES:

_____	$_____
_____	_____
_____	_____
_____	_____
TOTAL.	.$_____

TOTAL COST OF HEARING . . . . . .$_____

NOTE: Attach all receipts to this summary and submit to the hearing judge as soon as possible.

STATEMENT OF HEARING EXPENSES

TO: (teacher) DATE: _____

_____

_____

FOR: Hearing expenses incurred in the matter of (teacher)

v. (name) Board of Education, (school district & no.),

held on _____ by (hearing judge's name)

of _____ $ _____

Less 50% to be paid by opposing party _____

TOTAL AMOUNT DUE (payable within 30 days) $ _____

(Please cut along this line.)

FORM F

STATEMENT OF HEARING EXPENSES

TO: (superintendent) DATE: _____

_____

_____

FOR: Hearing expenses incurred in the matter of (teacher)

v. (name) Board of Education, (school dist. & no.),

held on _____ by (hearing judge's name)

of _____ $ _____

Less 50% to be paid by opposing party _____

TOTAL AMOUNT DUE (payable within 30 days) $ _____

APPENDIX H

Hearing Instruments

Form A. Sample Notice Form

Form B. Sample Subpoena Form

Form C. Sample Order Form (Written Report)'

STATE OF OKLAHOMA

In the Matter of the Appeal of

_____

v. the _____
Board of Education of _____
Oklahoma (Independent/Dependent School
District No. ____ of _____
County, Oklahoma

NOTICE

Name of Teacher
Address of Teacher

Name of Attorney
Address of Attorney

Name of Superintendent
Name of School

Name of President of Board
Name of Board of Education
Name of Clerk of Board
Name(s) of Board Member(s)

Greetings:

You are hereby notified that the Appeal of (teacher)
to the ruling of the _____ Board of Education will be heard by
the Hearing Panel on the ____day of_____,19__, at____ a.m./p.m.;
and that said hearing will be held at (name and address)

_____

This hearing is authorized by Title 70, O.S. Supp. 1977,§ 6-102.1 thru § 6-103.15, of the Oklahoma Statutes, and each party is allowed to present evidence and witnesses with the right to cross examine opposing witnesses.

_____
Hearing Judge

cc: State Board of Educaton

NOTE: This is a suggested form only.

FORM A

STATE OF OKLAHOMA

In the Matter of the Appeal of

_____

v. the_____
Board of Education of_____
Oklahoma (Independent/Dependent School
District No._____ of _____
County, Oklahoma

SUBPOENA

From the State of Oklahoma to:

Name
Street Address or Box No.
City and State
Zip Code

Greetings:

You are hereby commanded to be and appear before the Local Board Hearing at _____(place, street address, and city)_____ _____, on the_____ day of_____, 1977, at_____ a.m./p.m., to testify as a witness in the above styled action on the part of _____(teacher or board of education)_____.

Herein fail not, under penalty of Law.

Witness my hand on this _____ day of _____, 19___.

_____
Hearing Judge

NOTE: This is a suggested form only.

FORM B

STATE OF OKLAHOMA

_____(teacher)_____ APPELLANT	:	
v.	:	APPEAL
_____Board of Education	:	
APPELLEE	:	

DECISION

FINDINGS OF FACT

CONCLUSIONS OF LAW

ORDER

Dated this_____day of_____, 19__.

_____
Hearing Judge

NOTE: This is a suggested form only and may contain as many pages as required.

FORM C